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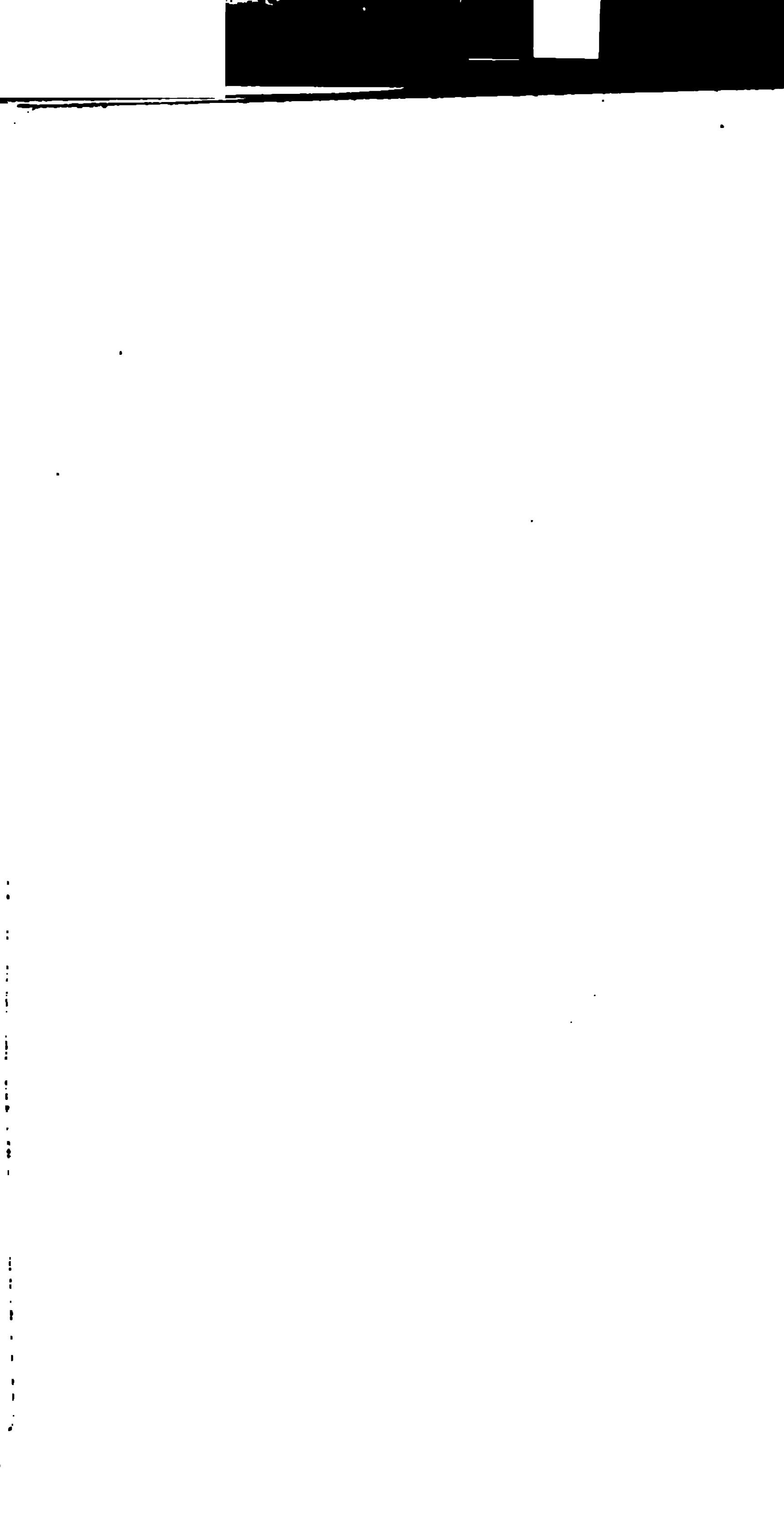












AN
ACCOUNT
OF
THE MOST IMPORTANT
PUBLIC RECORDS
OF
Great Britain,
AND
THE PUBLICATIONS
OF
THE RECORD COMMISSIONERS:
TOGETHER WITH
OTHER MISCELLANEOUS, HISTORICAL, AND
ANTIQUARIAN INFORMATION.

COMPILED FROM VARIOUS PRINTED BOOKS AND MANUSCRIPTS.

By C. P. COOPER, Esq.

VOL. II.



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CHAPTER XX.

THE PUBLICATION OF THE PARLIAMENTARY RECORDS.

A PLAN FOR THE PUBLICATION OF THE ROLLS OF PARLIAMENT, ACCOMPANIED BY SUCH OTHER RECORDS AS MAY ILLUSTRATE THE ANCIENT CONSTITUTION AND POLICY OF THE KINGDOM.

[*From Manuscript Collection.*]

In the course of the seventeenth century, when researches concerning the Antiquities of the Constitution were pursued with great diligence, much attention was given to the early proceedings of the High Court of Parliament, and transcripts of the Rolls, &c. were made by and at the expense of such distinguished individuals as Yelverton, Hale, and Petyt, for their private use. The work entitled *Cotton's Abridgment of the Records in the Tower*, and which contains abstracts of the entries of the principal public transactions, as well as of many of the private petitions appearing on the Rolls, was published by Prynne: and Ryley edited the *Pleas in Parliament, with the Judgments thereon during the Reigns of Edward I. and II.*; to which he added an Appendix of Illustrative Records. Prefixed to the work is the following note, by Sir Heneage Finch:—"I think the printing of these Records, entitled *Placita Parliamentaria*, together with the Appendix, will be of excellent use and advantage to the Professors of the Common Law, and all others who are desirous to know the truths of History by the best and most ancient evidences of it." The words of this learned judge may be noticed to prove the utility of the Parliamentary Records in illustrating the principles of the

Common Law: and, as sources of legal information, the Rolls of Parliament are frequently quoted by *Hale* in his *Pleas of the Crown*. Hale studied these Records with great care; he wrote a *History concerning the Power of Judicature in the King's Council and in Parliament*, and an *Essay on the Judicature of the Lords' House of Parliament*, in which a portion of the first-mentioned tract is incorporated. The Essays in question seem to be only the sketches of larger Works. The latter only has been published; and though very short, and appearing under the disadvantageous shape of a posthumous publication, it affords many useful hints respecting the investigation of the ancient Parliamentary proceedings.

From the time of Ryley, and Prynne, and Hale, the Rolls of Parliament were wholly neglected until the year 1765, when they were published in pursuance of a vote of the House of Lords. The Editors, Astle, Topham, and Morant, formed a considerable portion of their text from Ryley, from Hale's Transcripts in Lincoln's-inn Library, and from the "Copy purchased of Mr. Tonson, corrected by the Originals;" and they also added a "Selection of Parliamentary matter found on the Patent and other Rolls, and also in public offices and private collections."

Since 1765, numerous ancient Parliamentary Petitions, &c. have been discovered by the diligence of the Keepers of the Records in the Tower. These should be published; and as the deficiencies of the edition of 1765 have been long recognized,(1) it appears necessary to proceed to a new edition, calculated to be a companion to the authentic edition of the Statutes of the Realm.

The editors of 1765 acted merely as transcribers, or supervisors of the press. They have given no Index,(2)

(1) Introduction to the *Authentic Edition of the Statutes*, p. xxxvii. [See *note*, Part I.]

(2) [An Index to the *Rolls of Parliament*, which it is well known form six folio volumes, has, it is said, been "in hand" ever since the year 1767.—See

and the text is destitute of those references, and other aids, which are absolutely necessary to facilitate the progress of the reader through pages of obsolete matter written in Norman French.

The “Parliamentary matter” appended to the Rolls by the editors of 1765, shows that they considered themselves authorized by the vote of the House of Lords to make such further selections from other Records, not being Rolls of Parliament, or Petitions in Parliament, as illustrated the subject; but in making these additions they did not take an extensive range. The new edition would require much comprehensive research.

The ancient Parliament exercised nearly the same direct control over the inferior Courts, which has now devolved upon the Court of King’s Bench. It was an original Court of contentious jurisdiction between party and party, from which causes were occasionally remitted to the inferior Courts for trial, and much of the business which would now be transacted in Committees, and terminated, according to the present course of Parliament, by addresses, or resolutions, was then determined by directing commissions to issue for the purpose of taking Inquests to be returned for adjudication before the King, or the Council. Common Law Writs issued upon the Warrant of Orders made in Parliament upon Petitions. In these and other cases of the like nature, none of the derivative Records, as they may be termed, appear in the edition of 1765, though they are, in fact, essential portions of the proceedings of the ancient Parliament.

Retrospective Review, Second Series, vol. i. p. 69 ; Westminster Review, vol. x. p. 408 ; Nicolas, Observations on the State of Historical Literature, pp. 108, 109, 137 ; and Nicolas, Refutation of Mr. Palgrave’s Remarks, &c. pp. 91, 92. The statement in the *Westminster Review*, vol. xi. p. 538, that the present compiler of this Index is employed by the Record Commission, is erroneous. The error has been corrected.—*Nicolas, Refutation*, p. 92. Respecting this Index, see a passage cited in a subsequent note.—*Nicolas on the Public Records*, p. 67.]

Of equal importance are the unpublished Ordinances, Writs, Judgments, and other proceedings of, or emanating from, the great Council, whose jurisdiction was blended with that of the Lords of Parliament, so as to be scarcely distinguishable therefrom.

Considered as historical and constitutional documents, the Rolls of Parliament are very unsatisfactory, unless accompanied by a complete series of Parliamentary Writs and Returns, from the earliest period to the end of the reign of Henry VII. One Writ of Summons of Election, and for Wages, relating to each Parliament, should be given, together with Writs of Prorogation and Resummons. Lists or calendars must be added, containing the names of all, who were summoned, or returned, and of the manucaptors of the Commons; and all special Returns should be printed at full length. Without these Writs the proceedings of Parliament are mutilated and incomplete.

The Parliamentary Rolls, Pleas, and Petitions, carefully arranged and indexed, with the addition of the Parliamentary Records and Parliamentary Writs, would form a substantive and independent portion of a Work, which could be begun and completed by itself; but if such a Collection be contemplated as will furnish the materials for a true History of the English Constitution, it is submitted whether it might not be expedient to authorize further investigations. Parliament is a Common Law Court. Its foundation must be sought in the institutions of the Common Law; and as the inferior Legislative and Remedial Courts of the Common Law reflect the organization of Parliament, the development of the rise and progress of these Mesne Jurisdictions will afford the best commentary upon the history of the supreme Remedial and Legislative Court in the Kingdom.

The Courts in question are the Leet, either as existing in burghs and manors in ancient demesne, or as a Hundred Court, the County Court, and the Courts of the

more considerable towns and cities. No sound attempt whatever has yet been made for the purpose of illustrating the progress of the jurisdiction usually considered as Corporate Jurisdiction, though it is one of the most essential elements of the English polity and constitution.

Municipal Jurisdiction, which appears to have been universally founded upon the Common Law Leet system, assumed various modes of action in consequence of Bye-laws, Charters, &c., and it would be obviously impossible to investigate the progress of the Courts of all towns and boroughs. It will be sufficient if the examination be confined to those, which are distinguished either by their importance, or by the peculiarity of their constitutions. It is conceived that Parliament can authorize such researches without infringing, in the slightest degree, on private rights, the Records and Books containing the acts of Judicature, and the proceedings of boroughs and corporations, being always distinct from the documents relating to property.

Another field of inquiry yet remains; it is the history of other Courts, which existed, or are existing, within the dominions of the Crown of England, whose jurisdictions, either on account of the severance of their territories from the body of the realm, or in consequence of their peculiar privileges, bore a nearer affinity to the style of Parliament than the usual Courts of the geldable land, or of the burghs and cities. Thus a popular representation, in the nature of the Hundred Court, or Leet, was confirmed to Jersey and Guernsey by King John immediately after the loss of Normandy. A similar representation, also analogous to the Common Law Leet system, subsisted by prescription in the Isle of Man. The Parliament of Ireland imitated the ancient Parliament of England. The Parliament of Chester may also be instanced. Unfortunately the Records of these assemblies are not copious; but they cannot fail to throw much light on the constitution of Parliament,

and to supply many of the chasms found in its history. So much obscurity will indeed remain, even after we have explored every document, which may be considered as legal evidence, that it might not be improper to have recourse to other sources, affording collateral, or historical, illustration of the nature of the Constitution. Even such a manifest forgery as *Modus tenendi Parliamentum* affords instruction with regard to prevailing opinion respecting the antiquity of the House of Commons. (3)

It will probably not be deemed expedient to decide, in the first instance, upon the publication of all the materials noticed in this statement: but whatever portion of the plan may be adopted as a beginning of the undertaking, it will still be desirable to keep in view the object of ultimately forming such a collection as may afford a complete historical developement of the Constitution in all its members. Although great care is bestowed upon the preservation of the Public Records, still they are wasting and moulderling by the operation of time, and liable to destruction by those accidents against which no degree of attention can wholly guard. The Records of towns and boroughs are also exposed to similar and additional dangers.

(3) [M. Champollion-Figeac has lately informed the compiler, that there has been discovered in the *Bibliothèque du Roi* at Paris, a manuscript of the *Modus tenendi Parliamentum* as ancient as the 13th century. The French MS. is entitled, *Modus tenendi Parliamentum: Hic describitur modus quomodo Parliamentum Regis Angliae, et Anglicorum suorum, tenebatur tempore Regis Edwardi, filii Regis Ethelredi, qui quidem modus recitatus fuit per discretiores Regni coram Willelmo, Duce Normanniae, et Conquestore, et Rege, ipso Conquestore hoc precipiente, et per ipsum approbatus, et suis temporibus, ac etiam temporibus successorum suorum Regum Angliae, usitatus.*

The compiler believes that a transcript of the Irish *Modus* (*Modus tenendi Parliamenta in Hibernia ordinatus per Henricum II.*) has been made for the use of the English Record Commission. A manuscript note in his possession states it to differ from the English *Modus*, and, though certainly of much later date than the reign of Henry II., to be "a singular and curious document, which, like the English *Modus*, illustrates the opinions entertained respecting Parliament and its nature."—See *Reports from Commissioners on the Public Records of Ireland*, vol. i. p. 316.]

In the next generation, therefore, it may be too late to attempt the task which is now proposed. The object is of national importance. The archives of England are more rich in materials, and the materials are more valuable, than those possessed by any other country in Europe; and an authentic collection, executed under the authority of the Legislature, ought to be completed in such a manner as to render it worthy of the name of a public Work. Even economy will be consulted by an extension of the plan. In a publication where a considerable degree of expense must necessarily be incurred in the basis of the scheme, a comparatively small addition to such expense increases the value of the production in a much greater ratio than the excess of the larger expenditure over the smaller one; and the more interest the Work acquires by its additions, the more is its sale likely to assist in defraying the expense by which it is attended:

The following Table is added as an outline of the proposed Collection:

I. (1.) Rolls of Parliament, Pleas in Parliament, Petitions.—(2.) Records of Inquisitions, and other Proceedings in other Courts of inferior jurisdiction, but which originated in Parliament.—(3.) Writs issued by the authority of the Great Council, or of Parliament.

II. (1.) Writs of Summons of the Commons, and Returns, to the conclusion of the period embraced by the Rolls.—(2.) Writs of Wages, Prorogation, &c.—(3.) Writs of Summons to the House of Lords, and Patents of Creation during the same period.

III. (1.) Extracts of Entries on the Rolls of Manors and Burghs, in ancient demesne, or by prescription, showing the mode of electing Citizens and Burgesses.—(2.) Similar Extracts from the Rolls and Books of Corporate Bodies.—(3.) Charters granting, or confirming, the right of electing Citizens, or Burgesses.

IV. Records of the Remedial and Legislative Common

Law Courts, elucidating the nature and Origin of the High Court of Parliament.—(1.) The Court Leet and View of Frankpledge; (a.) the Leet of the Hundred; (b.) Leets of Manors and Burgesses in ancient demesnes; (c.) the County Court and Eyre.—(2.) The Courts of the more considerable Towns and Cities; such as (a.) London; (b.) York; (c.) Lincoln; (d.) Norwich; (e.) Lewes; (f.) Coventry.

V. Records relating to Remedial and Legislative Assemblies, whether called by the name of Parliament, or bearing some affinity thereto.—(1.) The Parliament of Ireland.—(2.) The States of the Norman Islands.—(3.) The Tynwald of Man.—(4.) The Stannary Parliaments of Devon and Cornwall.—(5.) The Guestling and Brodale Courts of the Cinque Ports.—(6.) The Parliament of Chester.

VI. Appendix: miscellaneous matter, not of Record, but illustrating the ancient Polity of England; such as, (1.) *Modus tenendi Parliamentum*.—(2.) Extracts from Historians, &c., in which great Councils, &c. are noticed.—(3.) The Anglo-Saxon Laws, with an English translation.—(4.) Anglo-Saxon Charters.—(5.) Extracts from the Codes of the Northern Nations relating to Institutions and Courts analogous to those of England.

MATERIALS FOR THE NEW EDITION OF THE PARLIAMENTARY RECORDS.

[*From Manuscript Collection.*]

I. *Writs for the Election of Members of the Commons' House of Parliament, and Returns thereof.*

The earliest original Writs extant in the Tower are the Writs of 18th Edward I., by which two, or three, Knights were directed to be chosen for every shire.

These Writs do not appear to have been known to Prynne, but they have been used by Browne Willis, in

his *Notitia Parliamentaria*, and by Dr. Brady, who, in his *Answer to Petyt* (p. 149), quotes the Writ for Westmorland (not now extant) from this bundle. The Writs exist from the above-mentioned year to 17th Edward IV., when they terminate in the Tower, but the series is very imperfect. Of many Parliaments not above one, or two, Writs have been preserved. For the Parliament of Carlisle, 35th Edward I., there is a general roll, or membrane, containing a list, or breviate, of the return of the Sheriffs, a highly curious and singular document. The Writs, like too many other Records, have in many instances been much injured by the injudicious application of tincture of galls, which has the effect, after a certain time, of rendering the surface of the parchment nearly as dark as the letters written thereon. This is an evil continually increasing, inasmuch as the tint becomes deeper in process of time, and sometimes the wash forms itself into a pellicle, which, when it scales off, carries the writing along with it: hence it becomes very desirable to preserve faithful copies of documents of so much importance.

II. *Original Proxies of the Prelates, Capitular Clergy and Peerage.*

There has been found, among the Petitions in the Tower, about forty original Proxies of the Prelacy and Clergy under seal, chiefly of the reign of Edward II., and one of a Temporal Lord (John de Warrene, Earl of Surrey, 16th Edward II.) Selden observes (*Privileges of the Baronage*, p. 6), that the Proxy Rolls of the Temporal Peers are for the *most* part lost, which would imply that *some* were then remaining. These fragments have since perished. The Clerks at the Tower can find no trace of them. Probably more original Proxies will be found amongst the miscellaneous Records not yet inspected.

III. *Inrolments of Writs of Summons for the Prelacy, Peerage, and Members of the Council.*

These having been printed with great care and accu-

racy in the Appendix to the *Lords' Report on the Privileges of the Peerage*, no further remarks occur thereon, except, that in order to complete the view of the obligations and services incident to tenure by Barony, such entries have been collected as relate to the general summons of the Baronage before the Justices in Eyre.

IV. *Inrolments of Writs for the levy of the Wages of Knights, Citizens, and Burgesses.*

These are frequently imperfect on the Rolls, sometimes not extending beyond three, or four, counties, &c. Prynne ascribes these chasms to the negligence of the clerks of the Chancery; but there is reason for supposing that in many instances the constituents paid their representatives at the time when they were elected, as will be noticed below, in which case the compulsory Writs would become unnecessary.

V. *Original Bills, Petitions to the Council, and to Parliament, and Inrolments thereof.*

The original Bills and Petitions embrace the entire compass of Parliamentary jurisdiction. Almost all the Petitions, down to the close of the reign of Edward III., are indorsed with the abbreviations "Irr" and "Irrol," showing that they had been enrolled; but comparatively a very small proportion of the Rolls upon which they were entered now exist. It has been lately ascertained that there are several bags in the White Tower, containing Parliamentary Petitions of an early date, which have not been cleaned, or examined. These last-mentioned Petitions, having been taken off their files and pressed into bags, are in bad condition; but two files of Petitions, apparently of the close of the reign of Edward I., have been found exactly in their original state, and as the file was made up by the Clerk of Parliament at the end of the session.

VI. *The Parliament' Rolls.*

Anterior to the reign of Edward I., no Roll purporting to be a Roll of Parliament can be found. The series of

these important Records is very incomplete. Of the Councils, or Parliaments, of Edward I., only the Rolls of the 18, 19, 20, 21, 22, 23, 26, 28, 29, 30, 33 and 35, are preserved. Of Edward II., only the 8, 9 and 14. Of Edward III., only the 1, 4, 5, 6, 13, 14, 15, 18, 21, 22, 25, 29, 36, 37, 38, 40, 42, 43, 45, 46, 47, 50 and 51, and there are many chasms in the subsequent reigns. Many of the lost Rolls belong to those Parliaments, which are of the greatest importance in the History of the Constitution; and it may be doubted whether their loss is wholly owing to accident. Richard II. was accused of defacing and cancelling Records relating to the state and government of the kingdom, to the great prejudice of the people (*Rot. Par.* 1 Henry IV. p. 420.) And there are some reasons for supposing that the Parliamentary Records relating to the deposition of Edward II. were amongst those, which were thus destroyed.

Whether the circumstance of the series of Rolls beginning in the same year with the series of original returned Writs, be any thing more than an accidental coincidence, it would be difficult to determine. All the Rolls of the reign of Edward I. are in the Chapter-house; and it appears from an original Writ of *Certiorari*, now in the Tower, directed to the Treasurer and Chamberlains of the Exchequer, tested at Westminster 3rd May, 17 Edw. II., that the Parliamentary Rolls were then in the official custody of the officers of the Exchequer. How and at what period, and for what reasons, the Rolls from Edw. II. to Edw. IV. were removed to the Tower cannot be ascertained; but there are grounds of supposition, almost amounting to proofs, that the removal took place during, or after, the reign of Richard III. An ancient MS. book, in folio, fairly written on vellum, and containing Pleadings and Proceedings in Parliament, is now also preserved in the Tower. This volume, often quoted as the *Vetus Codex*,⁽⁴⁾.

(4) [See before, Part I. pp. 176. 329, 330. See also a subsequent page.]

was printed by Ryley, and contains proceedings in Parliament of the following years, viz. 18 Edward I., 19, 20 Edward I., 21 Edward I., 22, 23, 28, 29, 33 and 35 Edward I., and 14 Edward II. The following memoranda in the first fly leaf show the names of its early possessors:

Iste Liber ptinet W^tlio Roper ar²

Et nūc ptinet ad me Robtum Hare

Et modo W. Fletewode recordatori London 1586

Iste liber ptinet ad m Heneag^g ar² 1599.

Heneage probably gave it to Bowyer and Elsing, whose names then appear with the date annexed, 1604; and about this time it found its way into the Tower, as may be inferred from the following signatures:

J. BOROUGH, 1612.

W. RYLEY, 1620.

W^m. RYLEY, junr., 1647.

It is not easy to form any satisfactory conjecture respecting the nature of this volume. Although there is not the slightest reason for considering it as a Record, yet express reference is made to it as an authentic book, or register, in an exemplification by letters patent tested at Westminster, 12th Dec., 6th Richard II.,* of a precept

* R. oīib^z ad quos t̄c saltūm. Inspexim⁹ tenorem cuiusdam p̄cepti dñi E. quondam Regis Angl^t fit Regis Henr^r p̄genitoris nr̄i in quodam libro de plimentis ejusdem dñi E. anno regni sui vicesimo irrotulati in hēc vba: Dñs Rex p̄cepit qd^t bulle & privilegia Abb^tis de Mermonster irrotulent^r in Cancellar^r Ita qd^t quandcumq^b contigit i^pm, aut monachos suos in Angl^t cōmorantes cont^a tenorem eo^zdem privilegio^z p^t quoscumq^b fatigari, aut molestari, statim veniant ad Cancellar^r & fiat eis remediū p^t b̄re Regis put melius fieri pot^tit. Inspexim⁹ eciam tenorem qua^zdam fra^z aptica^z bullata^z in rotulis Cancellar^r ejusdem dñi E. p̄textu p̄cepti p̄d^ci anno sup̄dicō simili^t irrotulata^z in hēc vba: Ale^x Epūs s^vus s^voz dei d^tcis filiis Abb^ti et Conventui Majoris Monast^rii Turoneñs t̄c. Teste, R. ap^d West. xii. die Decembr'.—D. exemplific^r Tykford, Rot. Pat. p. 2, 6 Ric. II. m. 26.

in favour of the Abbot of Marmontier, 20th Edward I. It is not stated in whose possession, or custody, the book then was: and it is singular that the Prior of Tikford, on whose application the exemplification was granted, should not have preferred an exemplification from the original Parliament Roll now extant, and with which the book exactly agrees. (*V. Rot. Par.* vol. i. p. 83.) This may perhaps lead to the supposition, that the Parliament Rolls were not accessible to the public, like the Judicial Rolls, or the Rolls of Chancery, and that the applicant was therefore glad to content himself with an exemplification of any copy, which could be consulted by him, or on his behalf.

VII. Records of Proceedings and Pleadings in Parliament, or before the Council, enrolled "coram Rege," or amongst the Rolls of the Common Pleas.

During the reigns of Edward I., II., and III., it was the custom to enter important judgments given in Parliament on the Rolls of the King's Bench, and in some cases in the Rolls of the Common Pleas. This practice is noticed by Lord Hale, who remarks, that most of the great cases, which are recorded *inter placita Parlamenti* Edw. I., and which were in their nature cognizable by the King's Bench, are likewise entered *inter placita coram Rege*, (*Jurisdiction of the Lords, &c.* p. 51.) Amongst other conjectures, Lord Hale supposes that these enrolments were made for the purpose of giving greater legality to the proceedings; but it is more probable that they were chiefly made for safe custody, an end which has been answered; for many valuable Records belonging to those Parliaments of which the Rolls are lost, are thus preserved on the judicial Rolls of the King's Bench and Common Pleas, of which the series from 1st Edward I. is complete, or nearly so.

VIII. *Writs and other Instruments relating to Pecuniary Grants made to the Crown.*

In addition to such of these Instruments as are found on the Close and Patent Rolls, it will be very desirable to collect such taxation Rolls as are extant, and also such other documents as show the manner in which the grants made by the Prelacy, Peerage, and Commons, were severally levied. Some of these are yet remaining in the Chapter-house, and amongst them there has been found the taxation of the thirtieth assessed upon the borough of Ipswich, 11th Edward I. The taxation Rolls of Colchester for the 24th and 29th Edward I. have been already printed (*Rot. Par.* vol. i. pp. 228, 238, and 243, 265) from Rolls in the possession of Mr. Morant; and the Editors, who were not aware of the existence of the roll of the 11th Edward I., state that no other, or earlier, rolls could be found in the Treasury, or Exchequer, Records of this description; besides their value in a constitutional point of view, they afford the most authentic materials for the Statistical History of the country, and therefore no opportunity should be lost of collecting them.

IX. *Writs issuing upon Petitions to the Council, or Parliament, and Inquisitions taken thereon.*

According to the ancient course of Parliament, all such evidence, as, allowing for the changes in our laws and customs, would now be obtained by the examination of witnesses before Committees, or at the bar of either House, was then most usually afforded by the means of an inquest taken before special Commissioners, and returned, either before the Council, or in the Courts below, as the case required. Inrolments of these Writs are extant upon the Rolls, but as yet few only of the inquisitions taken thereon have been found. Some few appear to have been filed in the general bundles of Inquisitions *ad quod damp-*

~~sum~~ and *post mortem*: others may be concealed in the great mass of miscellaneous and uncalendared Records in the White Tower, which are included, but not very correctly, under the general title of *Brevia*. But the greater part has been lost: a loss the more to be regretted, as the facts evidenced by the inquisitions extant furnish very authentic materials for legal and historical inquiries.

X. Writs by which the Council in, or out of, Parliament, exercised its Prerogative Jurisdiction, and Records of its Proceedings in this capacity.

The Writs in question, of which the enumeration would very far exceed the limits of this statement, are generally entered on the Rolls; but the originals, as may be judged from some which have been discovered in the Tower, are much more satisfactory than the inrolments, on account of the information obtained from the indorsements and returns, &c. Some important judgments of the Council are entered upon the Rolls, but the practice was not uniform, and many of the proceedings remained on the file. Amongst the Petitions there has been found articles, or suggestions, preferred before the Council in the reign of Edward III., with the Writs grounded thereon, and hopes are entertained that it will be possible to recover more of these instances of jurisdiction.

It will be seen from the foregoing statement, that the public Records, properly so called, offer many chasms. These deficiencies may be partially supplied from other sources, which may be reduced to the following classes:

I. Ecclesiastical Registers, Archiepiscopal, Episcopal, and Capitular.

Of these Registers the contents are very multifarious. Besides matters properly belonging to Ecclesiastical jurisdiction and discipline, they furnish entries of Statutes and ancient translations thereof, Petitions to Parliament and the Council, and Proceedings thereon, supplying some-

times the entire Record, Proxies in Parliament, Mandates issued by the Prelates, for the purpose of compelling the attendance of the inferior Clergy in Parliament, by virtue of the *præmunientes* clause. The correspondence entered in these Books not unfrequently relates to transactions in Parliament elucidating both its legislative and judicial proceedings.

II. *Leiger Books, and Chartularies of Monasteries.*

These bear a near affinity to Ecclesiastical Registers, but their contents are often more varied and more interesting.

III. *Books and Records of Corporations.*

There is every reason to believe that the archives of Corporations will, in some instances, offer unpublished matter of very considerable value, and in others they will entirely disappoint expectation. The destruction of Corporate Records and Muniments, arising from ignorance, from neglect, and even from design, is almost incalculable; and it may not be irrelevant to mention a fact which proves that the archives of Corporations occasionally include documents of very high antiquity.

In the library at Blickling are two MSS., the one a collection of Saxon Homilies, the other a Psalter of the ninth century, with an interlineary Saxon Gloss, both of which were obtained from the office of the Town Clerk of Lincoln, having been probably purchased by Mattaire, when he collected the library for Sir Richard Ellis. It might be conjectured that these volumes came into the office of the Town Clerk from some religious house, at the time of the dissolution; but the broad margins of the Saxon homilies are entirely filled with consecutive memoranda relating to the affairs of the city of Lincoln, such as elections of bailiffs and other city officers, presentments of juries, assessments of aids, &c., beginning with the reign of Richard II., and which, being written in coeval hands,

show the length of time that it had been the property of that city. In the office of the Town Clerk of the city of London, besides various volumes which are compilations or collections from the city Records, there is a series of volumes, entitled the Letter-Books, beginning with the reign of Edward I., and which abound in valuable information relating to Parliamentary History. They contain the letters of attorney given under the city seal to the representatives (and which are not preserved in the Tower); ordinances relating to Parliamentary wages, which in London were often paid down in ready money, at the time when the representatives were elected and despatched to Parliament; writs and ordinances illustrative of the promulgation and execution of new statutes; entries of the proceedings of the King's Council and numerous instruments relating to Parliamentary grants. It is probable that the archives of other cities and towns will furnish matter of this description.

IV. *Miscellaneous MSS. preserved in Public and Private Collection, viz.*

1. *Chronicles.*

Besides the Parliamentary documents, which are not unfrequently inserted at full length in ancient Chronicles (as in Knighton), many of these works have copious Appendixes of Records and public documents, like the *Additamenta* at the end of Mathew Paris, of which a part only has been published by Watts. The transcribers and possessors of ancient MSS. so frequently inserted additional matter, that it is necessary to examine the MSS., which have been printed as carefully as those which are inedited.

2. *Ancient Legal Treatises and Collections.*

These also have frequently insertions and additions of Parliamentary matter, and require a very careful examination.

3. *Transcripts of Records.*

No opportunity should be lost of consulting all those Collections of transcripts of Records, which were made between the close of the reign of Elizabeth and the reign of James II. During this period, the study of the antiquities of the Constitution was pursued with great zeal and industry, the spirit of inquiry being often quickened, and sometimes misled, by party-feeling: and, by examining these Collections, it is to be apprehended that, in many instances, useful results will be obtained.

PLAN OF THE WORK USUALLY DENOMINATED, THE NEW EDITION OF THE ROLLS OF PARLIAMENT.

[*From an unpublished Document, partly printed, partly manuscript.]*

I.—*General Plan of the Work.*

The Work intended to comprise the materials for the Constitutional History of England to the accession of Henry VIII., and which has been usually, though somewhat inaccurately, denominated the *New Edition of the Rolls of Parliament*, was begun April, 1822. It is intended to comprise in one body, or collection, all the existing documents elucidating the rise, progress, conformation, and authority of the Legislature, and which, in a general and comprehensive view, may be divided into three periods.

1. From the Conquest to the Accession of Edward I.—In the earlier portions of this period, no *one* assembly exists possessing *all* the several functions of the “High Court of Parliament” as they were exercised when fully developed. There is a Supreme Court, usually denominated the *Curia Regis*, in which the King sits amongst the Prelates and Baronage, and which Court possesses much of the jurisdiction afterwards vested in Parliament: but this Court, as such, does not make laws. An Assembly of

Prelates and Barons exists, in which assizes, or statutes, are promulgated; but this Assembly has not any regular and established civil, or criminal, jurisdiction. Taxes are chiefly raised by the Justices in their Eyres: and in matters for which the consent of the people is required, or thought expedient, the King, or his representatives, generally negotiate with the different component parts of the realm—the Shires, and the greater Burghs—treating them very much as if they are communities independent of each other, though dependent upon the Crown.

Great changes are however rapidly taking place. Various compacts are entered into between the Crown and the nation: and attempts are made to give a Constitution to the country, or, in other words, to restrain the Executive Power, and to give a definite organization to the Supreme Assembly, which, in the dawn of the next period, becomes “a Parliament” in name, and with the germ, at least, of the powers which it afterwards assumes.

2. From the Accession of Edward I. to the Accession of Henry IV.—This period embraces the undisputed establishment of the Commons as a permanent branch of the Legislature; and the Parliament is settled in its present form of King, Lords Spiritual and Temporal, Knights of the Shire, and Burgesses. Various alterations, however, are effected in the Constitution, some temporary, some permanent. Amongst the former may particularly be noticed the continuation of the attempts made to restrain the exercise of the Royal power, by the creation of Special Councils, &c.; and amongst the latter, the introduction of a class of Peers, deriving their Seats from Writs of Summons, and not sitting in relation to land.

An important feature of this period is found in the attempts made to create a representation of the mercantile, or trading, interests, on a more extensive basis than had hitherto been effected through the ordinary Borough

representation; but which scheme was abandoned after the reign of Edward III.

3. The Accession of Henry IV. to the Accession of Henry VIII.—In this period the House of Commons is settled entirely upon the scheme, which has subsisted until this present day; and in consequence of the introduction of Returns by Indenture, we obtain much fuller information concerning the nature of the elective franchise than at any earlier period. In the House of Lords, a further change is effected by the introduction of Baronies by Patent. The Judges lose their ancient weight in Parliament; but gain additional weight in the Council. This body (the Council) has hitherto stood in such a situation as to entitle us to describe it as a part of Parliament; but it now detaches itself more and more from the Legislature. Hitherto the power or jurisdiction of granting relief in cases where the Common Law fails, now denominated equitable jurisdiction, was exercised by Parliament or the Council in Parliament; but now the Council assumes the greatest share of such power; another share passes to Chancery; still, much equitable jurisdiction remains vested in Parliament, until the reign of Edward IV., when the judicial powers of the Legislature are brought nearly within their present bounds.

The foregoing is the general outline of the Work, composed of the following

II.—*Materials.*

Some of the Rolls of the *Curia Regis* of the reign of Richard I., and John, are extant; those of Henry III. are tolerably complete.

The regular series of Chancery Rolls in the Tower (*i. e.* the Close, Patent, Charter, Fine, and Liberate Rolls) begins with the reign of John, from which time they are complete.

The series of Parliament Rolls begins in the reign of

Edward I., and continues to the accession of Henry VIII., when they stop and are succeeded by the Journals of the Lords. But the chasms in the Parliament Rolls are very great, and are very important: for, in addition to the loss occasioned by time, there are the strongest reasons for supposing that many of the Rolls, containing proceedings adverse to the Crown, were purposely destroyed.

The Returns of the Commons begin in the reign of Edward I., but the series of those documents is also very imperfect, and a great proportion destroyed, in consequence either of neglect, or of design.

It therefore becomes necessary to supply such deficiencies from other sources; and, for the first period, the most important are the Great Rolls of the Exchequer, commonly called the Pipe Rolls, which commence with the reign of Stephen, and of which the series is almost complete from the reign of Henry II. to the present day. These Pipe Rolls relate primarily to the revenue; but in the absence of other documents they preserve almost all that is known of the ancient administration of the realm. On these Rolls appear the entries of the taxation of the Shires and Burghs by the Justices Itinerant; and incidentally many other points of extreme curiosity are collected from them. Such, for instance, is the fact, that Writs of Summons for great Councils were issued in the reign of Richard I., and served upon the parties by the Ushers of the Exchequer. Since the time of Madox, the Pipe Rolls have never been consulted; they have been entirely sealed against the public, and it is probable that a most abundant harvest of information will be collected from them. (5)

The Lieger Books of Monasteries, the Episcopal Registers, and the Archives of Corporations, supply much Parliamentary matter not upon the Rolls. The Prelates

(5) [See *ante*, Part I. pp. 312—317.]

caused the Writs of Summons to be recorded in their Muniments. In the books of the Town Clerks of the Cities and Boroughs are entered the proceedings which took place upon Parliamentary Elections; and generally, it was the custom to transcribe any documents of public importance upon such local Records. And thus we obtain a great deal of information, which is denied by the public Records. But the public offices, and particularly the Tower and the Chapter House (*i. e.* the Records in the nominal custody of the Treasurer and Chamberlains of the Exchequer), contain an immense mass of documents, which the ancient Clerks allowed to continue *in filaciis*, instead of entering them upon the Rolls. The Clerks probably exercised what they considered a sound discretion, viz. in *not* recording matters relating to current transactions, apparently of smaller import; but these are very frequently of the most importance in after times. Upon the file also remained all documents transmitted to the Chancery; and as the “Chancery” was in fact the Secretariat department of the government, these documents contain communications of the greatest curiosity, but which, from their nature, could never appear in form upon the Rolls, *e. g.* the details of transactions between the King's Commissioners and the *Probi Homines* of a Shire preparatory to the grant of an aid.—After the aid was granted, such an interlocutory proceeding lost all importance, and the parchment was thrown aside.

III.—*Particular Classes of Records and Documents.*

The particular Classes of Records and Documents from which the materials are to be extracted, or of which the Work is composed, are contained in the *Synopsis* following this paragraph. The employment of the classes will be governed by the general observations I. and II. If any source of information concerning the Legislature is deficient, recourse must be had to the subsidiary sources.

Thus, after the Chancery Rolls begin, the employment of the Exchequer Rolls will in a great measure cease, and such matter only will be excerpted as may elucidate points not explained by the documents upon the Chancery Rolls.

Synopsis referred to above.

1. The Great, or Pipe, Rolls of the Exchequer.
2. The Scutage Rolls of Henry II. and John in the Red Book of the Exchequer, and such other Scutage Rolls as may, upon search, be discovered in the Chapter House and other Exchequer Repositories.
3. Certificates of Knights' Fees, *temp. Hen. II.*
4. The Rolls of the *Curia Regis* and of the Justices Itinerant, Ric. I., John, and Hen. III.*
5. The early Chirographs of Fines, *temp. Hen. II., Ric. I., John, and Hen. III.*

These documents, hitherto unused, are of great value. They always contain the names of the individual Prelates, Barons, and Clerks who were present in the *Curia Regis* when the concord was made (a form yet continued in our modern Chirographs), and they are consequently the only proofs of sittings.

6. Assizes and other Legislative Proceedings anterior to the statutes properly so called.
7. Parliamentary Writs of Summons to the Prelates, Earls, Barons, and Judges.
8. Writs for the performance of Military Service.
9. Rolls of the Constable and Marshal of the Host, and other documents certifying the actual performance of Military Service by reason of tenure.
10. Commissions, and other documents relating to Military Service due by virtue of general allegiance, or by compact.

Taken in connection with Nos. 2, 3, 8 and 9, these documents

* The *Abbreviatio Placitorum*, published by the Record Commission, only contains excerpts from these Rolls. Messrs. Astle and Topham, in the *Report to the Select Committee of the House of Commons on the Public Records* (p. 506), state, that many complete specimens of these Rolls are contained in the notes to Madox's *History of the Exchequer*; but all the extracts from these Rolls in all the work of Madox would not fill a folio page. [See *ante*, Part I. p. 242.]

explain the manner in which the feudal system was broken down as a Military system, and became merely a source of revenue.

11. (a) Writs for the Election of Knights, Citizens, and Bur-gesses.

(b) Writs for the Convention of Representatives from the trading Towns.

(c) Proceedings had upon such elections in Corporate As-semblies, &c.

(d) Writs *de Expensis*.

12. (a) Documents illustrating the Constitution of the County and Hundred Courts.

(b) Proceedings in County Courts relating to the grants of aids, and other public business connected with the general administration of the realm.

(c) Proceedings relating to the Elections in the County Courts, of Conservators of the Peace, Sheriffs, Coro-ners, Verderors.

For these most important branches of inquiry, the materials are very scanty and imperfect, and they are inserted rather as *desiderata*, than with the expectation of being able to obtain information to any considerable extent.

As an important elucidation of the mutual bearings of the different parts of the Constitution, it should be noticed that there is sufficient evidence to show, that in the reign of Edward I. the Conservators of the Peace, who, on the face of the Letters Patent, appear to be nominated by the King, were in fact elected by the Shire ; and that in the reign of Edward III. the same functionaries were nominated by the House of Commons, though the Patents are equally silent with respect to such nomination.

13. Commissions for the Conservancy of the Peace.

These documents are included in the collection of Constitutional Records, for various reasons. As before mentioned, the Conservators, in the earlier periods, were elected by the Shire. The inquests taken before those functionaries were frequently brought into Parliament. The commissions are as frequently issued upon complaint made in Parliament, and by virtue of a special Parliamentary ordinance ; and the persons named in the commissions are usually the very same who appear as Knights of

the Shire. Allowing for the difference of forms and usages, the Justices, or Conservators, may be considered in the light of ambulatory Parliamentary Committees, deputed for the purpose of redressing grievances brought more particularly under the notice of the great Council of the realm.

14. (a) Parliamentary Petitions;—

- (b) Writs issued in consequence of Parliamentary petitions;—
- (c) And Inquisitions, or other proceedings, taken pursuant to such Writs, and generally returned before the Council, or Parliament.

It was the duty of the Clerk of the Parliament to enter all such petitions upon the Roll, but only a very small portion appear upon the Rolls now extant. The original petitions were allowed to remain *in filaciis*, and were afterwards thrown amongst the unsorted Records; and though a large number have been produced, it is believed that many still remain behind.

These documents, which will form the main body of the Work for the second and third periods, afford the most copious illustrations of the development of the Constitution. In these periods the business now transacted by public Boards, was effected by the individuals annexed to what we now consider as Courts of Justice. The incidents of tenure and the Royal prerogatives were continually putting the Crown in direct collision with the people; and the Petition in Parliament was the remedy for any real, or supposed, abuse. These petitions also disclose the facts noticed as constituting the main feature of the third period, and enable us to carry the history of equitable and Star-chamber jurisdiction up to its origin.

15. (a) The Rolls of Parliament.

- (b) Rolls of Proceedings *coram Rege et Concilio*, and the other proceedings and adjudications of the Council.

The general nature of these documents is well known. The mode of supplying the chasms has been before noticed.

16. (a) Proxies of the Lay and Ecclesiastical Peers.

- (b) Documents relating to the attendance given by the Clergy in Parliament, pursuant to the *Præmuniens* Clause.
- (c) Proceedings in Ecclesiastical Councils held concurrently with Parliament.

17. Commissions, &c. for assessing and collecting the aids, subsidies, &c. granted in Parliament.
18. (a) Customs of ancient Boroughs.
(b) Documents showing the territorial constitution of Boroughs.
(c) Early Borough Charters.
(d) Guild Regulations.

The Charters (c) are in part found upon the Rolls. The classes (a), (b) and (d) are of rare occurrence, or difficult access; but they are most important elements in the history of Parliament; and in the enumeration of materials they are included as *desiderata*, and with the expectation that, by exertion, the blank may be supplied.

19. Documents, principally *Post Mortem* Inquisitions, showing the possessions held by the persons summoned to Parliament by Special Writ, or returned as Knights of the Shire, till the end of the reign of Edward II.

These documents are required for the purpose of solving the most difficult constitutional problems; and at the same time, from the details which they afford of the mesne and inferior tenures (specifying the services of the villainage), they illustrate other portions of the history of the People, which are indispensable elements in the general history of the realm.

20. Lastly, Documents illustrating the rank, state, and condition of the individuals composing the Legislature.

These are so miscellaneous, that they cannot be more distinctly specified; but as many of them are inserted in the Appendices to the two volumes of the Parliamentary Writs, it is sufficient to refer to that publication as exemplifying their nature. They are included, upon the ground that it is important to obtain some idea of the position held by the members of Legislature out of Parliament, as it is upon such position that their Parliamentary influence depended and depends.

IV.—*Publications comprising Parliamentary Records anterior to the Proceedings of the Record Board.—Character of such Publications.*

The Rolls of Parliament appear to have attracted notice in the age of Elizabeth, and from that period to the reign

of William III. many transcripts of these Records were made for the use of those distinguished individuals, who then cultivated the antiquities of the law, not as an abstract inquiry, nor for the gratification of literary curiosity, but in order to afford an effective and legitimate defence against the prerogatives of the Crown. Many of these transcripts are now in public libraries, others in private collections; the Yelverton and St. John collections may be noticed. And it is not unimportant to remark, that the great expense at which such transcripts of the Parliament Rolls must have been obtained, is a proof of the value placed upon the materials which they contained.

In the year 1679, a thin volume, in small folio, was published, containing a very meagre and inaccurate abridgment of the Parliament Rolls, entitled, *Cotton's Abridgment of the Records in the Tower, &c.*, which had been preceded, in time of publication (though not of compilation) by Ryley's *Placita Parliamentaria* (1661), a work of greater importance. The body of Ryley's Work is taken from a volume preserved in the Tower, commonly quoted as the *Vetus Codex*, (6) containing transcripts, made apparently in the fourteenth century, of the Rolls of some of the Parliaments of Edw. I. & II. And an Appendix is added of documents principally relating to Parliamentary proceedings, not selected according to any plan, but interesting and valuable. Ryley was not aware that the originals of most of the Parliament Rolls in the *Vetus Codex* were extant in the Chapter House; but his volume, as far as it extends, has considerable value.

The well known and high priced collection of Parliamentary Writs published by Prynne, contains Writs of Summons, Writs *de Expensis*, and a Calendar of such Writs of Elections and Returns as he discovered in the

(6) [See *ante*, Part I. pp. 176. 329, 330 ; Part II. p. 11.]

Tower. The greater portion of the Work consists, however, of those singular historico-political rhapsodies in which Prynne was so fond of indulging. The arrangement (or rather disarrangement) of the materials is extremely perplexing and confused; Prynne's omissions, imperfections, and inaccuracies are so great, that no reliance whatever can be placed upon his collections; and most particularly so in that portion for which the work is most valued, namely, the names of Members of the Commons, which he professed to abridge from the Returns, and of which abridgment his fourth volume is composed: for Prynne only gives the names of the members, and *not* the returns in full.

The Writs of Summons were published by Dugdale, but not completely. Some Parliamentary documents are interspersed in the three folio volumes of *Records* published by Prynne, and others are occasionally included in Rymer, but without any settled plan.

A very valuable collection of transcripts of Parliamentary Records was made by Petyt, and deposited, pursuant to his directions, in the Inner Temple library; but nothing further was given to the public until the appearance of the *Rolls of Parliament*, printed by order of the House of Lords.

This last-mentioned work, upon which the Reverend Dr. Strachey and other Editors were occupied during many years, was printed, as appears from the specification prefixed, in part from "Copies purchased by Mr. Tonson, corrected from the originals in the Tower; part from "Copies purchased from Mr. Webb, corrected with the originals in the Rolls Chapel;" part from Ryley; and part professes to be taken from the "Originals in the Tower." It will appear somewhat remarkable, that a work intended to be an official publication, should have been composed of materials so assembled; and upon examination, it has

been found that its inaccuracies are such as deprive it of all authentic character. Printed upon either of the following plans ;—in fac-simile, and exhibiting the peculiarities of the record,—or extended, and punctuated according to the modern mode.—The Lords' edition of the Parliament Rolls is neither one thing, nor the other ; it is partly extended and partly contracted, and is neither a readable text, nor an office copy of the original. Either plan, pursued consistently, would have compelled the Editors to attend to the correction of the text, but this has been entirely neglected. Furthermore, the collection is extremely imperfect. The Petitions, anciently *in filaciis*, are almost wholly omitted, as well as all documents arising out of Parliamentary proceedings.

The incorporation of the Rolls of Parliament in the collection undertaken by the Record Commission was determined upon, because the errors and defects in the Lords' edition are irremediable. No table of *errata* could exhibit a pure and genuine text ; and as the Petitions and other documents, which Dr. Strachey and his coadjutors omitted, extend through the whole period embraced by the Rolls, the work can only be completed by interpolating such Petitions amongst the proceedings of the Parliaments to which they belong.

V. *Proceedings of the Editor.*

Upon the appointment of the Editor in 1822, he began by arranging and transcribing the inedited petitions, writs of election, and returns, &c. He employed himself at the same time in making general searches in the rolls, both at the Tower and in the Chapter House, and in other repositories, as detailed in the Reports from time to time presented to the Commissioners ; and lists of the petitions and other documents, &c. transcribed were delivered with such Reports.

In 1825 it appeared expedient that some portion of the

materials so collected should be put to press. The Editor found, that whilst the materials for the two latter periods accumulated upon him, he did not make a corresponding progress in the first period ; and he was impeded in his progress by various difficulties, which he had no means of removing. Under these circumstances, it appeared desirable to select any part of the materials which might be turned to use. Great masses of manuscripts frequently end by bearing down the collector, who dies before he can employ them: but if he can select portions capable of being easily severed from the rest, and yet holding their place in the general series, and if such selections can be brought out in sets, portions, or *fasciculi*, he is enabled to clear off his stock, and a corresponding advantage results to the public, who would otherwise be deprived of them for an indefinite period.

The selection of documents published under the title of *The Parliamentary Writs*, was conceived to answer the end thus proposed. Upon the contents of these volumes it is unnecessary to enlarge, as they are before the Public. It should however be observed, that many bundles of Returns, affording the only evidence of the history of the House of Commons, are so injured by time or neglect, that at no distant period they will wholly perish; that the Parliamentary Writs form a necessary introduction to the Journals of the Houses of Lords and Commons;—and that if any degree of proper attention had been given to the subject when the Journals of the two Houses were first published, the Writs and Returns would have been added, in order to furnish a body of Parliamentary law.—All Writs of Summons issued during a session, are entered on the Journals of the Lords; and all Returns made during a session, are noticed on the Journals of the Commons ; but the very instruments by which

the Parliaments have been brought together no where appear in the volumes which record their proceedings.

VI. *Plan of the Parliamentary Writs.*

When the work was ordered, several sheets were set up, exhibiting different modes of arrangement, and also containing specimens of the Digests, &c. Three conditions had been imposed upon the Editor:—I. A folio size:—II. The contractions of the original Records to be preserved, and the text, in all respects, to be as that of an *Editio princeps*, and without any conjectural emendations:—III. That the Editor should not introduce any opinion, or theory, of his own in the English apparatus.—And in order to fulfil the two last conditions, and at the same time to render the work more generally intelligible, the following plan was adopted. The text of course continued unaltered; it exhibits the original Record with every peculiarity, not merely as to contractions, but distinguishing interlineations and erasures; (7) but the leading names are printed in Italics, and the dates of the ancient Calendar, &c. are reduced into modern computation, and added in the margin.

A *Calendar of Writs and Returns*, arranged according to Counties and Boroughs, became necessary, to facilitate the use of the documents, which constitute the most important feature of the work.

The *Chronological Abstract* is intended to enable the reader to become acquainted with the contents of the documents, and to follow the history which they involve. Few persons can read the contracted Latin, and still less the Norman French, with facility, and therefore it was considered that this condensed translation would add to the utility of the collection. And the addition of occasional notes containing illustrative passages from histo-

(7) A circumstance frequently of great importance in manuscripts, and as such distinguished in the fac-simile edition of the Alexandrian manuscript.

rians, &c. did not appear contrary to the spirit of the instructions, which prohibited any hypothetical comment.

The *Alphabetical Digests* are intended to answer the following ends. In consulting ancient instruments the greatest difficulty arises from the unsettled orthography of proper names; and if the names be arranged according to their apparent initial, the references relating to one individual, or one family, will be often split amongst two, or more, letters of the alphabet.(8) In ordinary Indexes, much time and trouble is lost by the reader, who, finding only a name and a number, is compelled to turn to each and every reference in search of the information which he seeks. The names are therefore classed, and the substance of the document in which it appears being added, the reader is put in possession at once, and without any further trouble, of all the information which the work contains. A Calendar, or Index, of records, to be really useful, ought to be so full, that, on the face of it, the reader may be enabled to ascertain whether it will, or will not, be necessary for him to consult the original instrument; and the information derived from the apposition of materials, frequently affords the best comment upon their meaning.

1831.

(8) Such as *Leuveyse* and *Visdelou*,—*Escales, De Scalaris, de Chalers,—Ayncourt, Deyncourt, Eyncourt, &c.*

CHAPTER XXI.

ACCOUNT OF THE PUBLICATION ENTITLED, THE PARLIAMENTARY WRITS AND WRITS OF MILITARY SUMMONS, TOGETHER WITH THE RECORDS AND MUNIMENTS RELATING TO THE SUIT AND SERVICE DUE AND PERFORMED TO THE KING'S HIGH COURT OF PARLIAMENT AND THE COUNCILS OF THE REALM, OR AFFORDING EVIDENCE OF ATTENDANCE GIVEN AT PARLIAMENTS AND COUNCILS.

[*From the Preface to the First Volume of the Work.*]

THE Collection, of which this is the first volume, includes all the Records which show the constituent parts of the ancient legislative and remedial assemblies of England, beginning with the reign of Edward I., the period when they first assumed a definite organization. Before this era, neither the principles nor the practice of the Constitution, can be ascertained with certainty; but, under the government of Edward, a settled and uniform usage may be discerned, from whence the Parliament received an organization nearly approaching to the form in which it now subsists. Considerable obscurity prevails with respect to the rights and functions of the individuals who enjoyed the privilege, or were subjected to the duty, of attendance. The fact, however, of such attendance is evinced by documents existing in a series which, although not entirely unbroken, is sufficiently complete to afford a satisfactory view of the Estates, Orders, and Members who composed the great Councils of the Realm. These documents may be arranged under the following sections:

I. Writs of Summons addressed to the Prelates, the

Earls, and to the individuals generally, but not invariably, designated as *Barones*, *Proceres*, or *Magnates*; and also to the Justices, Clerks, and others of the Council.—In most instances the Writs are extant on the dorses of the Close Roll, upon which each set of Writs appears to have been entered, or enrolled, from a pannel, or schedule (such as is now termed a Parliamentary Pawn), which remained on the file.(1) Two only of these pannels have been found; the one belonging to the reign of Henry III., and the other to the reign of Edward II. Occasionally the Clerks of the Chancery contented themselves with tacking the pannel to the Roll; (the breviate of the Writs issued for the Council of the 16th Edward I. may be quoted as an exemplification of this practice.) Most of the riders, or schedules, now attached to the Rolls appear to be pannels of this description; and, had it not been for the precaution of annexing them to the larger Record, the information, which they convey, would have been lost. All documents, which bore a direct relation to the rights of property, or to judicial proceedings, were recorded in the Chancery with considerable care, but much less attention was paid to those, which referred only to current transactions; and it is probable that the neglect of the clerks in the Chancery, in omitting to enrol the pannels, is the principal cause of the paucity of Parliamentary Writs of Summons in the earlier periods. Of original Writs of Summons, fifteen belonging to 34th Edward I. were found in the bundle which contains the Writs of Election of that year.

II. Proxies of the Prelates, Earls, and *Proceres*.—It is stated by Selden (2) and Hody (3) that Proxy Rolls were formerly extant in the Tower. The Editor has

(1) They are now kept in the Petty Bag Office.

(2) *Privileges of the Baronage*, p. xci.

(3) *On Convocations*, p. 390.

been informed that none can now be found; and, as it appears from these writers that the Records were much decayed, it is to be apprehended that they have since perished. About fifty original Proxies, principally of the reign of Edward II., have been preserved amongst the Parliamentary Petitions, and they will appear in their proper order.

III. Precepts and Mandates issued by the Metropolitan and Diocesan Prelates, pursuant to the *Præmunientes* Clause in the Writs of Summons, requiring the attendance of the inferior Clergy; and Procurations executed by the Capitular and Parochial Clergy, pursuant to such Precepts and Mandates.—Some of these documents have been obtained from the Monastic Lieger Books in the Museum and elsewhere; the best information, however, is derived from Episcopal and Capitular Registers; and his Grace the Archbishop of Canterbury, and the Honourable and Very Reverend the Dean of Canterbury, having permitted the Editor to examine the Archives both of Lambeth Palace and of the Cathedral, the series of Precepts and Procurations, so far as relates to the See of Canterbury, has been completed.

IV. Writs for the Election of the Members of the Commons House of Parliament, and Returns.—The enrolments of these Writs, which usually accompany the enrolments of the Writs of Summons, require no peculiar remark. The original Writs and Returns, the most important and valuable portion of the present work, were first assorted by Prynne, who, in the dedication of the *Brevia Parliamentaria Rediviva*, addressed to Charles II., has described his proceedings with his characteristic quaintness and verbosity:—“ No sooner received I your Royal Patent (passed without fees) for the custody of your ancient Records in your Tower of London, even in the middest of my parliamentary and disbanding services,

then monopolizing all my time, but I designed and endeavoured the rescue of the greatest part of them from that desolation, corruption, and confusion, in which (thorough the negligence, nescience, or sloathfullnesse of their former keepers) they had for many years by past layen buried together in one confused chaos, under corrodung and putrifying cobwebs, dust, and filth, in the darkest corner in Cæsar's Chappel in the White Tower, as mere useless reliques, not worthy to be calendared, or brought down thence into the Office amongst other Records of use. In order thereunto, I employed some soldiers and women to remove and cleanse them from their filthynesse ; who, soon growing weary of this noysome work, left them almost as foul, dusty, and nasty as they found them. Whereupon, immediately after the Parliaments adjournment, I and my clerk (in August and September last) spent many whole dayes in cleansing and sorting them into distinct confused heaps, in order to their future reducement into method, the old clerks of the office being unwilling to touch them for fear of fouling their fingers, spoylling their cloathes, and endangering their eye-sight and healths, by their cankerous dust and evil sent. In raking up this dung-heap (according to my expectation) I found many rare, ancient, precious pearls and golden Records all which will require Briarius his hundred hands, Argus his hundred eyes, and Nestor's centuries of years, to marshall them in distinct files, and make exact alphabetical tables of the several things, names, and places comprised in them, wherein most treasuries of Records are very defective, which oft causeth your subjects to make long fruitlesse searches, and to depart with a *Non est inventus* of what they sought for, and might speedily find, had Mr. Vincent and Sir John Boroughs, the late keepers of the Records, been so industrious to make tables to them, as some of

their predecessors, or their clerks allowed competent stipends to encourage them thereunto. In this my late search (besides other usefull Records and sundry rare antiquities specially relating to the Parliaments of England) I found no lesse than ninety-seven parcells of original Writs for so many Parliaments, issued to sheriffs and others, during the reigns of King Edward I. II. III. Richard II. Henry IV. V. VI. with their respective Returns, Cedulae, and Indentures, dispersed in broken fragments; all which, with extraordinarie pains, I have since marshalled into distinct bundles, in an alphabetical and chronological method, for publick use and ready search; besides above one hundred and thirty several parcels of Parliament Procurations and Petitions in these Kings regnes, confusedly intermixed with many thousands of other Writs and Records." After the publication of the Second Part of the *Brevia Parliamentaria*, Prynne discovered the Writs of the 25th Edward I., which he printed in his collection of *Records* (vol. iii. p. 736, 737); and at a subsequent period some further additions appear to have been made to the bundles by the searches of Dr. Brady and Holmes.—They are now kept in a press in the Record Room in the Wakefield Tower. These documents have sustained greater injury than any other species of Record. A practice formerly prevailed, of washing the indorsed Returns with tincture of galls for the purpose of restoring the faded writing: by this process a temporary distinctness is obtained, but in the course of a few years the parchment subjected to this process assumes a deep brown colour, and the writing is almost entirely obliterated; sometimes also the portions which have been washed scale off, and the original surface of the parchment is then completely carried away. The Writs also appear to have suffered greatly from damp, probably whilst in "Cæsar's Chapel." They were

tied up in small close bundles, and the effects of compression and moisture have, to use Prynne's expression, so cankered the parchment, that when it is touched it crumbles into dust. From these Writs Prynne compiled "his Alphabetical and Chronological Catalogues of the Knights, Citizens, and Burgesses;" (*Brevia Parl. Rediviva*, Sec. I. II. III. and IV.—*Fourth Part of a Brief Reg*, &c. Sec. XI and XII.) a task which he has taken great pains to vindicate from the frivolous objections of "injudicious cavillers," at the same time that he expatiates upon its difficulty(4):—"How laborious this publication hath proved

(4) In the body of his work Prynne adduces eight arguments to prove its utility, besides four "considerations," which are superadded in the Preface:—
"1. In point of history, by discovering, recording to the present age and posterity, who were the most eminent, popular, potent, discreet, and able Knights, Esquires, and Gentlemen, in every Shire, fittest to serve their country in Parliament in former ages; who were the wisest members of the Commons House in most of our antient Parliaments; the chief promoters of any good laws, Petitions made, or answered, in them for the people's good; this being the first and only catalogue of our antient Knights of Shires yet collected, or published, to the world. 2. In relation to heraldry, by informing all who were the most honourable, noble, wealthy, antient Knights, Esquires, Gentlemen, and Families, in every County of the Realm; and what honourable persons, Knights, Esquires, and Gentlemen have inherited, not only their ancestors lands, estates, and honors, but their wisedom, virtues, countrie's affections, and publick Parliamentary trusts, and who have degenerated from them. 3. It may and should excite the surviving heirs, and posterities of these antient Knights of Shires, to imitate if not emulate their ancestors vertues, and to furnish themselves with all such ornaments, abilities of learning, art, experience, as may enable them to serve their King and Country in the highest Court and Counsell of Parliament, as Knights, or Burgesses, upon all occasions, and indear them to the counties wherein they live. 4. It may sufficiently minde the greatest, richest, wisest, and ancientist Lords, Knights, Citizens, and Members of Parliament, that they are all mortal, and shall ere long return to their dust, if not buried in oblivion, as well as all these their predecessors, who are long since rotted in their tombs, and quite forgotten like dead men out of minde. 5. It may instruct all ambitious, covetous persons worldly-wise, honourable, wealthy, potent soever, that not only themselves but their very names, families, and posterities, are all subject to mortality, because not only the persons, but houses, issues, yea the very names of sundry of the forcited Knights of Shires, though famous in their gene-

to me in its collection, correction, examination, and re-examination with the original Records, Writs, and Returnes, multiplicity of Figures, Records, and Correction at the Prese, is best known to myself, having for some months space ingrossed most of the hours alotted to my repastes, natural rest, and refreshment every night, by reason of my other publick imployments, diversions all the day; and of those Christmas Holy-daiies or Play-daiies, which I have intended to have spent in other studies in order to that publick service, which I am very shortly to pay to my Nursing Mother (the Honourable Society of Lincolnes Inne) if God send me time and life. If these my extraordinary lucubrations prove beneficial to the publick, or delightfull, usefull recreations to any lovers of revived Antiquities, or other readers, I shall only desire their candid acceptation of them, which I presume may demerit as much veneration from Scholars and Antiquaries as *Mr. Cambdens Remaines, Verstegans Restitution of decayed Antiquities, Mr. Weavers Funeral Monuments,* or the publication of that usefull large volume, 1652, intituled *Historiae Angl. Scriptores x. ex vetustis Manu-*

*natis, are long since totally extinguished and forgotten, when as others of them yet survive, and retain their antient honor, splendor, love, and popularity in their Countryes, or in some other Counties to which they have been transplanted. 7. It should also excite our whole English nation to blesse God for preserving our Parliaments, and a perpetual succession of wise, discreet, honourable, potent persons and patriots of their Country from age to age, to serve not only as Peers, but Knights, Citizens, Burgesses, in all successive Parliaments, to defend, preserve, the just rights and prerogatives of our Kings and Kingdoms, enact good laws, redresse all publique grievances, protect the antient rights, franchises, liberties, properties of the subject against all injurious violations, and bring the greatest delinquents to condign punishments, when above the reach of any other inferior judicatories. 8. It fully verifieth that observation of Soloman, Eccles. i. 4. One generation (of Parliament members as well as other persons) passeth away and another generation cometh; which should instruct all Parliament members," &c. &c.—*Brevia Parliamentaria Rediviva, 138—141.**

scriptis nunc primum in lucem editi, by the assistance of many learned antiquaries, since there were many manuscript copies of these published antiquities extant in publick or private libraries, well known to sundry persons studious of antiquities; whereas most of these here published are contained only in the Records I newly rescued and raysed from the grave, being unknown to, unperused by, any of this or the former generation."—*Brevia Parliamentaria Rediviva*, Pref. Yet, notwithstanding the pains which this most laborious antiquary has bestowed upon his work, it is by no means remarkable for accuracy. He has fallen into many important errors in his readings of the names; and some entire sets of Writs are referred to years to which they do not belong. Prynne was followed by Browne Willis, who, in his *Notitia Parliamentaria*, intended to give complete lists of the Knights, Citizens, and Burgesses, which he has arranged according to Counties; but only three volumes of the work were published by the author. The Petyt Transcripts in the Inner Temple Library have furnished the very important Returns of the 24th Edward I. The original Writs were formerly in the Exchequer; and the remarks of Mr. Holmes, by whom they were discovered, are worthy of attention. To the foregoing, the Editor has been enabled to add the Writs and Returns entered in the "Letter Books"(5) in the City Archives, from whence Stowe extracted the names which he has given in his *History of London*.

V. Writs for levying the expenses of the Knights, Citizens, and Burgesses.—These are enrolled upon the Close Rolls in the same manner as the other Writs. They were also made out from schedules and pannels, and they were also issued upon dockets, or warrants, under the privy

(5) So called because they are distinguished by the letters of the alphabet, from A to G inclusive.

seal. These circumstances may account for the non-appearance on the Rolls of the Writs *de Expensis* during the earlier periods, when such detached documents were not always recorded by the clerks.

VI. Writs of Military Summons specially addressed to individuals usually considered as the greater, or lesser, Barons of the Realm.—These are enrolled upon the Close Rolls.

VII. Writs for the performance of Military Service, or relating thereto, addressed to the Sheriff of the County.—These Writs were returned in a manner nearly analogous to the Parliamentary Writs, the Sheriff stating in his Return the names of the individuals, whom he had summoned, or distrained, to perform military service, or to take the degree of knighthood. Two only of such original Returns have been discovered in the Tower; but transcripts of many more have been preserved amongst the Cottonian and Harleian Manuscripts; and they are extremely curious and valuable, inasmuch as they furnish the names of those individuals who seem to correspond with the *Minores Barones* of the *Magna Carta* of King John. There are also Returns of an analogous nature, made by inquisitions; two such inquisitions are extant amongst the Harleian Charters, which were certainly obtained from the Tower.

VIII. Commissions of Array and other instruments relating to the Military Levies.—It being frequently difficult to distinguish between the service due by reason of tenure, and the service, which was performed under the general obligation of allegiance, it has been judged expedient to unite the principal documents explaining the ancient military policy of the realm.

IX. Records affording evidence of the names of the individuals, who actually attended, or deliberated, in Parliaments, or Councils.—The judgments and resolutions of

Parliament, &c. are usually expressed in general terms. In some instruments, however, the individuals who attended, or concurred in legislative, political, or judicial proceedings, are specifically named.

X. Records affording evidence of the actual performance of Military Service.—The Rolls of Marshalsey are the most important of this class. Upon this Roll the service was recorded; and if a question arose respecting the due performance thereof, the entry on the Roll was pleaded in discharge of the claim of the Crown. Such a Roll was made up on every muster of the King's host: but very few have escaped the general wreck.

The documents comprehended under the foregoing ten sections constitute the body of the collection; those considered as forming the Appendixes are of a more miscellaneous description, such documents having been selected as explain particular facts and proceedings, or which tend to elucidate the main points of enquiry within the purview of the collection: the latter may be thus enumerated—

1. Records showing the rank and condition of the individuals composing the Parliament.—These are chiefly the commissions by which the royal authority was delegated for the conservancy of the peace, the execution of Statutes, &c.; and it is important to remark how very generally the Members of Parliament were selected for the discharge of such duties.

2. Records relating to the elections of Coroners, Verdurers, &c. which took place in the County Court; and other documents showing the constitution of that assembly, and elucidating the history of the elective franchise. (6)

3. Records relating to the Customs and Constitution of Boroughs. (6)—Some few Custumals and other documents of this description have been obtained; and it is hoped

(6) These documents will appear in a future volume.

that the collection may be enlarged when the officers, having the custody of corporate archives, are aware how much historical information may be conceded, without in the slightest degree compromising the rights and privileges of their corporations.

In order to render the work more accessible to the reader, it has been accompanied by a Chronological Abstract of the Documents, with Historical Notes—a Calendar of the Writs of Election and the Returns thereof—and an Alphabetical Digest of the Facts relating to Persons.—In consequence of the great bulk of this volume, the Digests of Places and of Principal Matters have not been appended hereto, but will be given on a future occasion.

The collection is as complete as it has been possible to make it, with the powers and means which have been afforded to the Editor; he has employed all the original Records, which have been produced, or rendered accessible, to him; nor have any been omitted of which he has knowledge, or which he has been enabled to obtain. In some cases it has been necessary to have recourse to transcripts, (as before alluded to,) and which are noticed in the Chronological Abstract.(7) All the printed sheets have been carefully collated by the Editor with the sources (whether original Record, or transcript) from whence they are taken, and they imitate, or denote, the peculiarities of the manuscript as closely as can be effected by typography.

(7) [The country will hardly credit the fact, that, owing to the disorder that reigns in some public depositories, and the difficulty of obtaining access to others, important documents in a great national work have been printed from transcripts, that had never been collated with the originals. It appears, from a document in the possession of the compiler, that as long ago as March, 1826, the Editor of the *Parliamentary Writs* informed the Secretary of the Record Commission, that he had been compelled to use transcripts for no other reason than that authority was not given him to resort to the originals.]

[*From the Preface to the Second Volume.*]

This Volume, comprehending the reign of Ed. II., is compiled from the same sources, and includes the same classes of materials, as are indicated in the Preface to the First Volume.

The Writs of Election are exhibited in a series which, though by no means complete, does not offer any very important chasms ; and the comparison between the number of Returns, now printed for the first time at full length, and the number catalogued by Prynne, will show how many have been recovered since the age of that laborious writer.

The several bundles of proxies contain only one executed by a Temporal Peer, but that one is of considerable importance, from the facts, which it establishes ; viz. that a Peer might consider himself as bound to attend Parliament, although his name does not appear amongst the persons summoned ; and that he might appoint individuals, not possessing seats in Parliament, as his Proxies to appear on his behalf in that assembly.

The portion of the text relating to Military Service will be found to include, in addition to the Writs of Summons, &c. all the Scutage Writs, which the rolls in the Tower can supply, and a complete series of all the Commissions of array. These two last classes of documents, though diverse in nature, must be considered in conjunction. The reign of Ed. II. is to be viewed as the transition period, when the Military Tenures began to lose their efficacy, and a new mode of raising the forces was generally adopted, which speedily deprived the Baronage of their feudal character, and caused the greatest changes in the policy of the realm. The rapid progress of this new system may be traced in the grant made in the Parliament at Lincoln, in fifteen days of St. Hilary, 9 Edward II., by which one

foot soldier was charged upon every township throughout the kingdom, without any distinction of tenure, a proceeding indicating an evident departure from the principles which had prevailed in earlier times.(8) Before the commissions of array, 9th Edward II., grounded upon this grant, were issued, Writs were directed to the sheriffs throughout England, commanding them to make returns into the Exchequer of the names of all the townships in their several bailiwicks and of the Lords thereof. These returns, which have been usually called the *Nomina Villarum*,(9) will be found to be of considerable use, both to the topographer and to the genealogist.(10) They do not distinguish the tenure, that particular being unnecessary in relation to the purpose for which they were required; and it appears that the sheriff generally stated the names of the tenants in possession, seldom inquiring into the nature of their title. For this reason the returns gain in value, since, as the proper scope of the *post mortem* Inquisitions was the investigation of tenures *in capite*, the information which they afford concerning persons holding by mesne tenure, was not a necessary part of the investigation made by the escheator; and consequently the *Nomina Villarum* disclose the names of many landholders, of whom no other record remains.

Amongst the Military Writs will also be found the remarkable returns made pursuant to Writs tested at Westminster, 9th May, 17th Edward II., by which all and singular the Knights, &c. of, and within, the respective

(8) In 4 Edw. II. one foot soldier was requested from each township, but as a voluntary aid.

(9) [See First Report of Select Committee of House of Commons on the Public Records, pp. 15, 505. Several transcripts of the *Nomina Villarum* appear to have been made for the use of the Record Commission.—MS. Notes. See also Reports from Commissioners on Public Records, var. loc.]

(10) For a more particular account of these Returns, see Introduction to *Alphabetical Digest*. [This Introduction is not, it is believed, yet printed.]

counties, were summoned by proclamation to appear at Westminster in a great Council, nearly analogous to those assemblages of the military tenants of the Crown indicated in *Magna Charta*. The returns for Leicester and Middlesex are the only originals, which have been produced to the Editor, and the remaining returns are therefore printed from transcripts in the Museum.

In the Appendix, care has been taken to insert the principal documents relating to the individuals, who were engaged in the civil wars and dissensions, which form the principal characteristic of this unhappy reign. Few of these materials have hitherto been published; the greater part have never been quoted. Such, for instance, are the singular records of the compositions and fines by which the opponents of the king's authority, taken in arms against him, 15th Edward II., were allowed to redeem their lives and estates. The attainders of the adherents of the Earl of Lancaster, and the other state trials of this period, may also be perused as curious illustrations both of the policy and of the jurisprudence of these times.

The Roll of the battle of Boroughbridge, printed by permission of its owner, the Right Hon. Charles W. W. Wynne, is also an historical document of singular value. Heraldry frequently affords the best, and sometimes the only mode of identifying individuals, and, without deciding whether this document is, or is not, to be considered as a record, it is unquestionably coeval, and of great authenticity.

In a Work intended to develope the progress of the English Constitution, the documents illustrating the state, rank, and condition of the individuals composing the Legislature, furnish one of the most important subjects of inquiry. That the prelates and *proceres*, who were more immediately about the king, should be often employed upon public business, may be easily anticipated. But it is perhaps a more instructive feature in the history of the

open aristocracy of England, to observe how generally the members of the Commons were the active, leading, and efficient characters in the minor communities, which they represented in the supreme Assembly of the realm.

The Collection is as complete as the Editor has been able to render it, with the means, which he has received, and with the powers, which have been granted to him; he has used all the records, which have been made accessible to him; and he has collated the whole text with the original documents.

The digest of names of persons is appended to the volume. The digest of places and principal matters of the reigns of Edward I. and II. will form a Part, or Volume, by themselves. (11)

(11) ["With the exception of the Writs of Military Summons antecedent to the reign of Edward the First, as well as of the Writs to the Parliament of the 49th Hen. III., this work is a collection of all documents, which are known to be extant, illustrative of the History of Parliament, and of the Military force of England; and to use a remark which has been before made on it, 'whether, in relation to the light which is thrown upon the early history of the legislature of this country, the manner in which its armies were formed, or as materials for the biography of distinguished individuals, from the close of the thirteenth to the commencement of the fourteenth century, its contents are important to the historian, and highly interesting to the antiquary.' "—*Nicolas on the Public Records*, p. 61.]

[Some particulars of the new edition of the *Rolls of Parliament*, and of the proceedings of the editor, are contained in *Sessional Papers, House of Commons, Record Commission*, 12th June, 1829. It is remarkable that in the account of the Publications printed under the authority of the Record Commissioners, contained in the *Report from Select Committee on the Irish Miscellaneous Estimates*, 19th June, 1829, Appendix, pp. 296–299, there is no mention of the *Parliamentary Writs*. The *Notitia Historica* of Mr. Nicolas, from which the compiler of that Appendix professes to have abridged his notice of the English and Scotch Works, appeared in 1824, and he has not given himself the trouble to inquire if the Record Commission of Great Britain produced any fruit in the five years that had elapsed since that period.]

* [The passage here cited by Mr. Nicolas is taken from Butterworth's *General Catalogue of Law Books*, p. 128. This Catalogue (pp. 125–133) contains a short account of all the works printed by the authority of the Commissioners on the Public Records prior to 1828.]

FIRST SUPPLEMENTAL NOTE.

[*Extract from the Retrospective Review, Second Series, vol. i.
pp. 56—67. October, 1827.]*

The Parliamentary Writs consist,

First. Of a Chronological Abstract of all the instruments contained in the volume ; and which, being very wisely written in English, forms a kind of analysis of each Record, adapted to the most general reader.

Secondly. A Calendar of the writs of election, and returns thereof.

Thirdly. Writs, Records, and Muniments relating to the suit and service due and performed to the King's high court of Parliament and the other councils of the realm, or affording evidence of attendance given at Parliaments and Councils during the reign of Edward the First.

Fourthly. Writs, Records, and Muniments relating to the military services due to the Crown, whether by reason of tenure, or of allegiance, during the reign of Edward the First.

To these succeed the Appendix, Alphabetical Digest, Introduction thereto, Digest, and Index.

We learn from the Resolution of the Commissioners on the 27th of April, 1822,(12) that it was resolved to reprint the Rolls of Parliament, Pleas in Parliament, and Petitions; to print Records of Inquisitions and proceedings in courts of inferior jurisdiction, which originated in Parliament; writs issued by the authority of the great Council, or Parliament; Writs of Summons and of Election, and Returns of the Commons to the conclusion of the period embraced by the Rolls; and Writs of Wages, Prorogation, &c. Pursuant to this Resolution, it was further resolved, at a board held above three years afterwards, namely, on the 1st of July, 1825,(13) "that Mr. Palgrave's specimen of the edition of *Parliamentary Writs* being approved of, he is desired to proceed with the printing accordingly." Thus, in little

(12) [See the first Order prefixed to the *Parliamentary Writs*, Vol. I.]

(13) [See the second Order prefixed to the *Parliamentary Writs*, Vol. I.]

more than two years, that gentleman has produced the volume before us, which is perhaps one of the most extraordinary examples of laborious and painful research that has ever appeared: but before speaking of its contents we shall say a few words on the "Resolutions" which we have quoted. It seems that the Record Commission purpose publishing every document that elucidates the early Parliamentary History of the Kingdom: and it is impossible to applaud that intention more highly than it deserves. Not only is the subject of the utmost importance in itself, but every other department of antiquarian literature, biography, and the history of this country, as well as of Scotland, and of France, Spain, and other continental nations, will be considerably illustrated, since the proceedings of Parliament embraced objects connected with public affairs as well as those of a private, or personal, nature. As a body of evidence on history, manners, customs, individual character and conduct, property, and, in a word, on every thing relating to society, from about the middle of the thirteenth to the close of the fifteenth century, the Rolls of Parliament are of unequalled value. When we reflect on the tardiness, which until lately has characterized this Commission, we confess our fears that it will be our grandchildren rather than ourselves, who will benefit by its proposed labours; but we entreat it not to relax in its efforts; and to apply, if necessary, to Parliament for increased revenues, rather than that posterity only may benefit by the accomplishment of its plans. Mr. Palgrave has displayed unusual zeal in producing such a volume in so short a period, and from that fact we augur more favourably of the future; especially since we hope it is settled that the printing of the greater part of those Records is to be intrusted to his superintendence.

The *Preface* to the Parliamentary Writs abounds in so much valuable information, relative to the manner in which Peers and others were summoned to Parliament, or to perform military service; and consequently adds so materially to our knowledge of the early legislative assemblies of the realm, and at the same time so satisfactorily explains the contents of the volume, that we shall extract the greater part of it, &c. &c. ***

In the *Chronological Abstract*, the editor has very properly introduced such extracts from contemporary historians, or other sources, as illustrate the subject. Many of those notes contain original information of great value, particularly in the correction of the dates of instruments. In his observations, however, he appears to shrink with horror from citing any existing writer, excepting the author of *The Lords' Reports*. ***

The editor has so ably described the nature of the Records in those parts of his Preface, which we have extracted, that it is not necessary for us to do so. The *Alphabetical Digest* commences at page 410, prefixed to which is a copy of the Roll of the Name and Arms of the Bannerets of England, compiled in the early part of the reign of Edward the Second; and now printed from a contemporary MS. in the British Museum. In the introduction to the Digest are the following useful observations respecting names, &c. &c. ***

As a practicable Index, it is impossible to praise Mr. Palgrave's Digest too highly. No one but those who have undergone the wearying and disgusting labour of compiling such an extensive index can adequately estimate the time and patience necessary for the task: nor was it a mere work of scissors and paste, as it requires a perfect knowledge of the contents of every document. It is no trifling merit in the publications of the Record Commission, that each contains extensive indexes; but neither of them approaches in utility the Digest under our notice. Instead of mere names, which, when referred to in the body of the work, we find were only recorded on an occasion not at all connected with the object of the search, Mr. Palgrave's arrangement states at once what is said of them, the year and day on which each document was dated, and the part of the page where it occurs. The subjoined are sufficient specimens of his plan; and of the facts which the writs contain; &c. &c. ***

We have been thus particular in giving examples of the Digest for two reasons: the one because we were desirous of making our readers acquainted with it; and the other because it affords a specimen of how such references ought to be

formed. To the volume the usual kind of *Alphabetical Index of Names* is added, which is useful, because, from the variations in the spelling, it is impossible to introduce the name in every place where a strict adherence to the orthography would require it. In pointing out the faults in the Indexes to the other publications of the Record Commission, we shall, we hope, both induce those who compile them to benefit by our remarks, and explain the propriety of Mr. Palgrave's giving an *Alphabetical Index Nominum* as well as an *Alphabetical Digest*. Let us suppose the name sought to be "Deincourt." It would require an accurate knowledge of the plan of an Index to induce a person to turn to "Ayncourt," "Deincourt," "Deyncourt," and "Deyngcourt;" or if it be "Greystock," the uninitiated would fancy they had exhausted the references when they had consulted all those under that word, and would be as much disappointed as surprised on learning that they had omitted the most important, which were under "Craystock," "Graystock," or "Creystock." In many cases the same person is referred to in several places, because the letters in his name were repeated in some Records, or because the vowels were changed. Mr. Palgrave refers in his general Index to the same name, under every form in which it is written, whilst in his Digest he has introduced all notices of persons under the name by which they are most commonly known. The fault in the other Indexes alluded to is, not that names occur in several places according to the various modes of spelling them, but that references are not given to these variations, or that they are not likewise all inserted under the name, spelt in the most usual manner. For example, either by placing every reference to Deincourt, whether spelt DynCourt, Deincourt, Deyngcourt, Diencourt, &c. under "Deincourt," or by referring to each of the various modes in which it is to be found.

We cannot conclude this subject without alluding to the numerous times great part of the contents of the volume before us has been printed at the charge of the public; and consequently of the waste of money, which ought to be most judiciously expended, so as to accomplish all that remains to be

done.(13) Nothing can be farther from our thoughts than to wish to cramp the powers of the Record Commission by pecuniary considerations: on the contrary, the object is one of such national importance, that if more funds be wanted, we should strongly recommend an application for increased resources, which there can be little doubt would be cheerfully granted, even by those who most vigilantly watch the public expenditure. But it is little short of a profligate waste of money to print the same documents two, three, or, in one case, even five times,(14) simply because they have been wanted by different departments, or because they were in the first instance so disgracefully edited as to be useless. The collection of the Parliamentary Writs before us is the only place in which those Records should have appeared; and we sincerely hope that the series of Parliamentary Documents which the Commission have so wisely resolved to publish may be completed; but we wholly disapprove of an editor's fixing upon any period as that with which they should

(13) [See similar remarks, *Westminster Review*, Vol. x. p. 410, April, 1829; Vol. ii. p. 538, October, 1829. See a subsequent page, and Nicolas, *Refutation of Mr. Palgrave's Remarks, &c.* p. 46, et seq. also p. 68, et seq.]

(14) The Letter from the Barons to Pope Boniface VIII. in February, 1301, relative to his claim to the Kingdom of Scotland. It was printed, though most inaccurately, in the new edition of the *Fædera* in 1818; again in the Appendix to the First and Second Peerage Reports in 1820; again from both copies to the Appendix to the Fourth Peerage Report in 1825; and now among the Parliamentary Writs in August, 1827!

We are aware that the Record Commission and the Lords' Committees have nothing to do with each other; and that whatever may be printed by the latter is supposed to be only for the use of the members of the House of Lords, and is paid for out of the grants for the session. Still, as the funds for that purpose are also derived from the public purse, it may be supposed, without compromising their Lordships' dignity, that the labours of the Record Commission, by a little foresight, could have been rendered available for the purposes of the House. The Appendix to the Reports of the Lords' Committees, which contains the Parliamentary and other Writs from the 6th John to the 20th Edward II. was ordered to be printed on the 25th of May, 1820, but it did not appear, we believe, until after the Resolution of the Record Commission to print all Parliamentary Instruments, in April, 1822; whilst the second part, which consists of similar documents from the 1st Edward III. to the end of the reign of Edward IV. was not printed until about two years since.

commence. We object in the strongest manner to any public officer, acting under a Royal Commission, being allowed, in a work of this nature, to fix upon any particular era as that when "the legislative and remedial assemblies of England first assumed a definite organization," or to assert dogmatically, that before the commencement of the reign of Edward the First, "neither the principles nor the practice of the Constitution can be ascertained," and to confine all means of inquiry to the time when he deems that the Parliamentary Records become important. It may be his opinion, and one which, in a private work, he would be fully justified in expressing, or acting upon, that it is in vain to inquire into the constitution of the legislative assemblies of this country before the time he has named; but we deny the right of any public officer, and even of the Commission itself, to act upon so uncertain an hypothesis. It is its province to publish Records, which throw light upon our early history; and not, by adopting any theory, prevent the world from obtaining information, which it was the express object of the Commission to afford.

Whether Mr. Palgrave be right, or wrong, in his opinion, that until the reign of Edward the First, "neither the principles nor the practice of the Constitution can be ascertained," is not the object of our present inquiry. We merely protest against any individual having the power to withhold Records in such a collection, which might induce others to draw a very different conclusion; and we fearlessly assert, that it was the obvious duty of the Record Commission not to have listened to the theory of any man, or body of men, on so highly important a subject; but to have printed every document which exists, connected with the legislative assemblies of the realm before the reign of Edward the First, as well as those subsequent to that epoch.

A very large proportion of the Parliamentary Writs, as well as of those for Military Service, which are inserted in this volume, were printed in the new edition of the *Fœdera* in 1816 and 1821; and a still greater number of them were again printed in the "Appendix, No. 1, to the Report on the Dignity of a Peer of the Realm, pursuant to an Order of the Lords'

Committee of the 25th of May, 1820." The present volume consequently contains every Writ printed by the Lords' Committees relating to the reign of Edward the First; and the plan of Mr. Palgrave's labours will necessarily require that, with the exception of a dozen instruments, every line printed by order of their Lordships in the Appendix to their Reports, and which consists of two folio volumes, containing altogether above one thousand closely printed pages, must be again republished at the expense of the nation.

At a time when so much remains to be done for the publication and better preservation of the muniments of the kingdom, and when the funds at the disposal of the Record Commission are said to be inadequate to the purpose for which they were destined, it does seem monstrous that so little care should have been taken to prevent such a waste of the public money. Their Lordships have wisely printed several Writs from the time of John, which we presume are the earliest that are preserved; but we repeat, that as it was deemed expedient to form a complete series of these documents from the accession of Edward the First, even with the certainty of reprinting one thousand folio pages, those before that era, as well as every other instrument connected with the subject, should also have been included.(15) Without them the object which can alone justify the reprinting of the others is not attained, for they are not a perfect collection.

It is yet possible to supply this extraordinary and culpable omission, by considering the present the second volume instead of the first; and which we believe will only require that the title-page and preface should be cancelled.

As we are most anxious not to be misunderstood in our remarks on the publication of Parliamentary Documents, to avoid the possibility of mistake, we will briefly state the purport of them. Nothing can be more proper than that a *perfect* series of the Parliamentary Records of the Kingdom should be printed; nor could a more qualified person be chosen than Mr. Palgrave; or a better plan than his have been devised; hence we earnestly hope that every possible facility will be afforded him in com-

(15) [See a subsequent page, and also *Nicolus, Refutation of Mr. Palgrave's Remarks, &c. p. 61, et seq.*]

pleting the laborious task he has undertaken. But on the other hand, the public expect that the utmost attention will be paid to the manner in which the documents are printed; that as much information as possible, without swelling the work to an inordinate extent, may be abstracted; that neither the theory, nor the interests of individuals, may be allowed to prevent the insertion of Records of any particular period, or subject, more especially in relation to the Constitutional History of the country; that great caution be used when it is proposed to print either the Calendars to particular Records, or the Records themselves, that a proper plan be first formed; and that in no case such an absurdity be again committed as the printing twice, or thrice, within a few years, documents, which should be printed once and no more; but which, when published, ought to appear in the most luminous, accurate, and satisfactory manner.

[*Extract from the Edinburgh Review, vol. lxxi. pp. 474—477
and p. 489, October, 1827.]*

Of all the publications by authority of Government, that of the *Rolls of Parliament* (16) has been the most important for our constitutional history. Till that work appeared, hardly any knowledge was to be obtained of Parliamentary proceedings before the commencement of the Journals, without consulting manuscripts, or having recourse to the meagre, and often erroneous abridgement of the Rolls, printed by Prynne from a manuscript in the possession of Sir Robert Cotton. But, though valuable from the historical information it contains, the edition of the Rolls, printed in the late reign, is not only incomplete, but defective in accuracy and fidelity. With a carelessness that cannot be too severely reprobated, great part of it was printed, not from the original Rolls in the Tower, but from transcripts in Lincoln's Inn Library, and in other private collections; and, though said to be corrected from the originals, it was found, on collation, to be full of clerical errors, that obscured and sometimes altered the sense. Many Rolls and much additional matter had also been discovered since the date of the first publication; and these additions, it was calculated, would

extend the work to twice its original size. After mature consideration, it was, therefore, determined to reprint the whole, correcting the text of the first edition from the originals in the Tower, and inserting the new materials in their proper places, so as to give a clear and connected view of the proceedings of Parliament, not only in its legislative, but in its judicial and remedial capacity. The task of collecting and arranging these materials for publication was fortunately confided to Mr. Palgrave, barrister-at-law, a gentleman eminently qualified for the office, by his zeal, diligence, and thorough knowledge of the subject.

In preparing for this publication, it became necessary, in the first instance, to inquire into the constitution of the Parliaments and Great Councils in early times, to collect the writs by which they were summoned, and to ascertain the members of which they were composed. On these points the Writs of Summons edited by Dugdale, and the Parliamentary Writs collected and published by the indefatigable Prynne, were the chief printed authorities. But the former was an incomplete work, giving no account of the returns to the House of Commons, and the latter so miserably deficient in arrangement, that the trouble of consulting it is hardly less than that of examining the original records. Many new writs and returns had also been discovered since the time of Prynne, some of them published, and others still remaining in manuscript. It was, therefore, thought advisable to publish the whole in an uniform edition, and convenient form. An order to that effect was accordingly issued by the Commissioners in July, 1825, of which the volume before us is the first result.

This volume (17), containing the Parliamentary Writs and Writs of Military Summons in the reign of Edward I. may be considered as a specimen of the manner in which the work is to be conducted; and from the industry and intelligence with which it is executed, it gives a very favourable impression of what is to follow. Mr. Palgrave has collected a great body of Records and other documents, and arranged them in chronological order, with an Abstract of their Contents, a Calendar of Writs and

Returns, an Alphabetical Digest of Persons, and Index of Names, which make his work easy to be consulted for every purpose of use or curiosity, for which it may be wanted. His *Chronological Abstract* gives a concise but clear and accurate analysis of every document he has printed. His *Calendar* affords a more complete Catalogue than has yet appeared of the Knights, Citizens, and Burgesses returned to Parliament. His *Alphabetical Digest* recapitulates, shortly, whatever is related of any individual in the preceding Records and Documents; and the *Index of Names* supplies the inevitable defects, uncertainties, and errors in the Digest, arising from the vagueness of ancient orthography, and from variations in the surnames or other appellations, by which the same persons at different times are designated. As far as we have examined the references from his Abstract, Calendar, Digest, and Index to the Records and other muniments, which form the body of his work, we have found them correct, and by their assistance we have been able to indulge our curiosity in various researches, with a facility which no other work could have afforded.

In comparing this volume with the corresponding period in Prynne's Parliamentary Writs, we find it not only more convenient for consulting, but infinitely more full and accurate. It enumerates many Parliaments, with the names of the knights, citizens, and burgesses returned to them, of which there is no mention whatever in Mr. Prynne's collections. Many names, printed incorrectly by that author, are restored to their proper orthography. The numerous additions made by Mr. Palgrave, in the returns from the counties, cities, and boroughs, and in the list of Parliaments to which the Commons were summoned in the short period of which he treats, cannot fail to strike the most careless reader, who will take the trouble to inspect his Calendar, and compare it with the Catalogues of Mr. Prynne. In the county of Bedford, for instance, Mr. Prynne gives only five returns of knights in the reign of Edward I.; Mr. Palgrave gives ten. From the town of Bedford Mr. Prynne has six returns; Mr. Palgrave eight. For the city of Bristol, Mr. Prynne has only two returns; Mr. Palgrave six. For Cambridge, Mr. Prynne has three returns; Mr. Palgrave seven.

For Oxford, Mr. Prynne has four returns ; Mr. Palgrave eight. On the whole, more than twice the number of returns are contained in Mr. Palgrave's Calendar, than are to be found in Prynne. Most of these additions, it is true, are to be found in the *Notitia Parliamentaria* of Willis ; but there are many errors in that work, both in dates and names, which Mr. Palgrave has avoided, by his constant reference to the original documents before him.

Besides the constitutional information which the completion of this work must afford us, it will be of no small practical utility in many questions of daily recurrence. Exact Calendars of the returns from cities and boroughs, with references to the original documents where the returns are to be found, will save infinite time, labour, and expense, in all election cases before the House of Commons. It will be seen at a single glance, by inspection of the Calendar, at what times any particular city, or borough, sent members to Parliament, and where any question arose concerning the right of voting, by whom the members were elected.

In legal questions, where researches into family history are required, much cost and labour will be spared by the Alphabetical Digest annexed to this work. An abstract will there be found of the public services, in which every man of note throughout the kingdom was employed, with references to the original documents where the particulars of his services are commemorated.

To genealogists, pedigree hunters, and family historians, the Digest will be of singular utility. It will very much facilitate their harmless and sometimes useful labours, and not only save them a world of trouble, but among the numerous claimants for particular notice, direct their attention to the persons most worthy of that distinction.

To the compilers of local history, it is needless to remark, that the whole work will be of the most essential service, by the valuable and authentic information it contains with respect to every city, or borough, that ever sent members to Parliament.

* * * *

We cannot bring these brief and desultory remarks to a con-

clusion, without again expressing our approbation of the present work. Mr. Palgrave announces his intention of publishing, in a supplementary volume, Records illustrating the constitutions of the county courts, and the customs and constitutions of boroughs, including, of course, the Inquisitions that show the tenure of lands, whether held by peers, to whom special writs of summons were sent, or by knights of the shire returned from their counties. Such a collection of Records, accompanied by the same useful Digests as the present volume, will present us with a more complete and perfect view of the internal state of England under Edward I. than the most sanguine could have anticipated, before this curious and valuable work was undertaken. If continued with the same diligence by Mr. Palgrave, and supported with the same liberality by the House of Commons, we have little doubt that it will be brought to a conclusion within a few years ; and when completed, we shall enjoy more ample materials for tracing the growth and formation of our Constitution, than are possessed by any other country in Europe.

[*Extract from Nicolas, Observations on the State of Historical Literature, pp. 99—108, 1830.(18)]*

The Parliamentary Writs, and Writs of Military Summons.

In commenting on this work two things are conceded; that it is desirable that all Parliamentary Records should be printed; and that the Editor of the present edition has executed the volumes which have appeared, in a satisfactory and able manner: hence the objections to which it is open, so far as the execution of the work is concerned, are not, with one exception, to be attributed to the individual by whose labours it has been produced.

With one error the Editor must nevertheless be charged, that of not *commencing* the Series of Writs with the earliest upon

(18) [It is proper to state that Mr. Nicolas is the author of the article in the *Retrospective Review* from which the foregoing passages (*ante*, pp. 47—55) have been extracted, as well as of the articles in the *Westminster Review*, to which reference is made in some of the preceding notes.]

Record, instead of arbitrarily fixing upon the reign of Edward the First. The fact need not be pressed, that the obscurity of our History is greater before, than after the accession of that monarch, and that it was absurd to pass over the earlier instruments, because the Editor, it is now said, intends to print them hereafter. It may be that he did not begin his work with them, hoping that in the course of his researches documents connected with that period might present themselves, which are at present unknown. The state of Record Offices doubtless justifies that expectation; and if such had always been his view of the subject, it is extraordinary that the volume which commences with the accession of Edward the First, should be called the *First* volume, and that so far from a word being said in the preface of the existence of previous Writs of any kind, or of his intentions respecting them, it would seem, from the following passage, that he or the Commissioners had assumed the right of deciding *when Parliamentary History was to begin*; that the accession of Edward the First was fixed upon as the æra; and that it was not thought proper to allow the good people of England, who had dearly paid for the work, to have the opportunity of judging for themselves, by giving them any earlier records:

“ The collection of which this is the *first* volume *includes all the records, which show the constituent parts of the ancient legislative and remedial assemblies of England*, beginning with the reign of Edward the First, the period when they first assumed a definite organization. *Before this æra neither the principles nor the practice of the constitution can be ascertained with certainty*; but under the government of Edward the First a settled and uniform usage may be discerned, from whence the Parliament received an organization nearly approaching to the form in which it now exists.”

The alteration in the Editor's plan may, perhaps, be attributed to some remarks on the preceding passage in a review of the work on its appearance (19); but how the earlier records are to be printed so as to range with a series, of which the *first* volume

(19) [See *ante*, pp. 52—54.]

is already published, it is not easy to determine. The expense which has attended this work will form the subject of a subsequent discussion; and though its value and importance are admitted, it is impossible to refrain from alluding to its contents in illustration of a total want of an organized plan in the operations of the Record Commission, the principle of which ought to have been, that such records, as might be selected for publication, should be carefully edited in one work, and not be printed twice, or thrice, at the public charge.

This collection consists of all Writs of Summons to Parliaments and Councils, and of all Writs and other documents connected with the military services due to the crown, whether by reason of tenure, or allegiance. In the old, as well as the new edition of the *Fœdera* many of those writs may be found, and with the view of illustrating the labours of the Committee appointed by the House of Lords to investigate, and report on the Dignity of a Peer of the Realm, two folio volumes were printed, containing Writs of Military Summons and Writs to Parliament, beginning with the reign of John, and ending with that of Edward the Fourth. This was done within the last ten years, whilst the Editor of the Parliamentary Writs was employed in collecting materials for his work, and they were completed before a sheet of the Parliamentary Writs was sent to press.

Of the contents of the two volumes printed by the House of Lords, every word either has been, or is to be, printed again in the *Parliamentary Writs*: and as some parts were published in the *Fœdera*, the country will thus have to pay for printing the same documents two, or three times, within twenty years.

The effect of this want of management will be best shown by the subjoined analysis of the first, and only complete, volume of the Parliamentary Writs which has appeared. (20)

(20) The third Division of Vol. II. containing the Digests of Persons, not being yet published. (Of Vol. II. Division 3, there has been printed 1112 pages, (pp. 301—1412.) The contents of which are as follows, pages 301—416—Introduction—Returns of the Names of the Lords of Townships, &c. for the purpose of effecting the Military Leves ordained in the Parliament at Lincoln, 9 Edward II. (The well known *Nomina Villarum*. See the Preface, Vol. II.;

It consists, altogether, of one thousand one hundred and fifty-eight pages. Of this number four hundred and twenty only contain *Records*, the remaining seven hundred and thirty-eight pages, forming nearly two-thirds of the whole volume, being appropriated to *Abstracts* and *Digests* of, and *Indexes* to, the Records in the said four hundred and twenty pages.

Of those Records, however, the contents of one hundred and forty pages have before been printed at the public cost, either in the Appendix to the Reports of the Lords' Committees on the Dignity of a Peer of the Realm (21), in the *Fœdera* or in the *Rolls of Parliament*.

Whether in the event of the new Record Commission being formed of better elements than the last, it be desirable that the Parliamentary Writs should be proceeded with, ought to depend upon circumstances; but if it be determined that they shall be completed, orders should be issued to the editors of the *Fœdera* (supposing that that work is not, as it ought to be, instantly abandoned,) to omit every document which is to be inserted in the Parliamentary Writs.

Alterations might, however, be made in the plan of the future volumes of the Parliamentary Writs, by which a material saving of expense would be effected, without, in any degree, taking from their value, though it might slightly lessen the facility with which the present volumes may be consulted.

The principal merit which the Editor assumes is, for the Chronological Abstracts, Calendars, Digests, and Indexes. Against the *convenience* of the most ample references of this kind, it would be ridiculous to say a word, but there are proper limits to all luxuries; and even good Indexes may be too dearly purchased.

and *ante*, Part II. p. 45.) Pages 419—1412—*Alphabetical Digest, Persons, commencing Ab Adam or Ap Adam, and ending Segar (Ralp).*]

[The printing of this work is at present suspended.]

(21) [“With respect to the reprinting of the documents inserted in the Peerage Reports, I must add, what Mr. Nicolas well knows, that these Reports were wholly the reports of Lord Redesdale; and that it was *utterly impossible* to induce that learned Lord to change any plan, however defective, which he had once adopted.”—*Palgrave, Remarks in Reply to Nicolas's Observations on State of Historical Literature*, p. 32.]

The first object of such a publication is to afford as much information as possible, by giving original documents, and the greater the amount of Records which are printed may be, the greater will be the benefit conferred upon the public. References to the Records so published, though highly desirable, is a secondary object; and it may be doubted whether it is not carrying the principle to an improper length, considering the quantity of historical muniments, which remain to be printed before a perfect History of England can be written, whenever those references exceed a list of the Contents at the commencement, and complete Indexes *Nominum* and *Locorum*, at the end of each volume, in the same manner as is done in the *Fœdera*.

But the mere *references* to the Records in the Parliamentary Writs are three times the extent of the Records themselves. For example, the references under the heads of Chronological Abstracts, Calendars, Digests, and Indexes, form nearly two-thirds of the whole of the first volume, without including the Index of Places. Volume the Second, which contains the Writs of the reign of Edward the Third, forms, in fact, three distinct volumes, called "Divisions." The first Division, which consists of seven hundred and forty-two pages, contains the Chronological Abstracts, and Calendars of Writs and Returns; the second Division consists of one thousand and fifty-nine pages of Records; and the third Division contains the Digests of Names of Persons. But, notwithstanding these immense masses of references to the Writs of three reigns, or one hundred and five years only, the Indexes to them are not yet completed; for it is said, "The Digests of Places and Principal Matters of the reigns of Edward the First and Second (two reigns, or fifty-five years only) will form a part, or volume, by themselves."

That this plan can be continued is impossible, * * * * * To print Records, and to give indexes to them, is judicious and proper; but to allow the contents of each volume to be so digested, abstracted, calendared, and indexed, as to form three additional volumes of references is ridiculous, unless the funds at the disposal of the Record Commission were unlimited. The

Digests consist in placing opposite to each individual's name the date and purport of the document in which he is mentioned; and as there are, sometimes, above *one hundred names* in each instrument, this information is repeated above *one hundred times!* No one can doubt that the plan is a convenient one.

* * * * *

There is no other objection than, that if the same money and labour were applied to printing documents, which have never yet been given to the world, the result would be infinitely more advantageous. Let it be supposed, that all the publications of the Record Commission had been conducted on the same plan (and there is no greater reason for it in the instance of the Parliamentary Writs than in any other): the effect would have been that to every one of the sixty or seventy volumes of Calendars or Records, three volumes of references would be appended! If the Parliamentary Writs are not discontinued, the plan upon which they have been edited ought to be materially changed, and Indexes *Nominum* should be allowed to supply the voluminous Digests; whilst in the arrangement of the Calendar of Writs and Returns a great saving of expense might easily be effected without lessening their value.

It must not be understood from these remarks, that the convenience of the present references is denied; but it is contended that that convenience is purchased by an expenditure of labour and money which might be much more usefully employed (22).

(22) [“A hundred plans could be devised, which would be most desirable. I could wish that every record in Great Britain were printed upon precisely the same plan; I could suggest no better abstracts, digests, or calendars, nor would I desire to entrust the execution of the work to a more zealous, or more careful, editor; but what are the first considerations before carrying such a plan into execution? *The expense* which would attend it, and the doubt whether the money it would require might not be much more advantageously employed. At the sacrifice of some essential department of government, perhaps all the records might be so published, but would any person put the two objects in comparison with each other? So, in considering the manner in which the Parliamentary Writs should be edited, it might possibly have been wise to adopt the present plan, if those Writs were the *only* documents which it is desirable to print.” —*Nicolas, Refutation of Mr. Pelgrave’s Remarks, &c. pp. 21, 22.*]

Not satisfied with uselessly reprinting the *Fœdera*, the late Record Commission meditated an equally uncalled for expenditure, by reprinting the *Rolls of Parliament*, which were published by the country in six folio volumes about sixty-five years ago. The grounds for this measure are said to be that much new matter has been discovered, and that the present edition is incorrect. The new materials which have been found, and which consist chiefly of Petitions to Parliament, should be printed as a supplement to the present edition of the *Rolls of Parliament*, and the errors in the old edition, which, either in extent or importance, are not very great, could be there noticed, &c. &c.

[*Extract from the Appendix to Remarks submitted by Mr. Palgrave to Lord Melbourne, in reply to the Pamphlet of Mr. Nicolas, entitled "Observations on the State of Historical Literature," pp. 53—62, 1831.]*

Various criticisms, containing imputations of great incompetency and misconduct, have been preferred against me by means of the public press, and which amount in substance to the following; viz.—that the work, entitled the *Parliamentary Writs* is incomplete, in consequence of not containing any documents prior to the reign of Edw. I.;—that it is superfluous, as being merely a reprint of Prynne, and of the Appendix to the Lords' Reports on the Peerage;—and that I have received an extravagant remuneration for the labour which I have performed.

* * * * *

Being appointed a Sub-Commissioner in April, 1822, for the purpose of preparing a new and complete edition of the *Rolls of Parliament*, &c., I began by examining the inedited Parliamentary Petitions, Writs, and Records in the Tower. Three years were employed in arranging and transcribing them, during which period I also made concurrent searches and collections in the Museum, Chapter House, &c., and in other Repositories.

In June, 1825, finding that I was overwhelmed with important materials for the *later era* of the History of Parliament, and that they were continually increasing upon my hands, whilst at the same time the earlier period presented many chasms, which

could not be speedily filled up, it became expedient to consider how the collections, which I had formed, might be best rendered useful to the public. Great masses of manuscript materials frequently end by disheartening and bearing down the collector, who, at the end of many years of obscure toil, dies before he can make any effective progress. But if they can be published as they proceed, such an accumulation is prevented; and though the portion brought out may not be entirely complete, still it is accessible to the public as far as it extends, instead of continuing a dead letter in the hands of the individual. These circumstances being explained to the Commissioners, it appeared advisable to select such sets of Records as could hold their proper place in the general series of Parliamentary proceedings, whilst at the same time they could be so far detached from the general series as to be complete in themselves.

All persons who are in the slightest degree acquainted with the antiquities of the Constitution are fully aware that Parliamentary Records, in the proper sense of the term, do not begin until the reign of Edw. I. This fact is clearly expressed in the Peerage Report (22) (which Report was delivered to me, upon my

(23) Extract from the *Lords' Report*, p. 167 :—" Edward the First succeeded to the throne, by the death of his father, on the 16th November, 1272. His reign is a remarkable period in the history of England; and the documents which demonstrate the transactions of that reign are more ample than those remaining of any former period, though undoubtedly many important documents, which might have tended particularly to illustrate the subject entrusted to the inquiry of the Committee, have been lost. Before his reign, the component parts of the Legislature of the country, and the transactions of that Legislature, are principally to be traced in charters, in writs, and in other instruments, from which, generally, inferences only can be drawn, tending rather to throw some light on the subject than to demonstrate facts. Inferences, therefore, have been necessarily, in former parts of this Report, frequently substituted in the place of direct evidence, which has been in many instances wholly wanting; and it has been necessary to supply the want of authentic documents, and to illustrate and explain such as have been found, by the imperfect information of contemporary historians. Records and authentic documents of various descriptions during the reign of Edward were probably framed with more accuracy and attention, especially towards the close of his reign, than in the time of his predecessors. No statute roll prior to his reign has been preserved, if any such was ever made."

appointment, as containing my instructions); and adopting the views and opinions of the Committee, I presented a Report to the Commissioners, recommending the publication of the following documents; viz.

1. Writs of summons addressed to the prelates, earls, and the individuals generally, but not invariably, designated as the *Barones, Proceres, Magnates*, and also to the justices, clerks, and others of the Council.
2. Proxies of the prelates, earls, and *proceres*.
3. Precepts and mandates issued by the metropolitan and diocesan prelates, pursuant to the *præmunientes* clause in the Writs of Summons, requiring the attendance of the inferior clergy; and procurations exhibited by the capitular and parochial clergy pursuant to such precepts.
4. Writs for the election of the members of the Commons House of Parliament, and Returns.
5. Writs for levying the expenses of the knights, citizens, and burgesses.
6. Writs of military summons, specially addressed to individuals, usually considered as greater, or lesser, barons.
7. Writs addressed to the sheriffs, relating to military service.
8. Commissions of array, and other instruments relating to military service, as well by reason of allegiance as by reason of tenure.
9. Records affording evidence of the names of individuals, who usually attended, or deliberated, in parliaments, or councils.
10. Records affording evidence of the actual performance of military service.
11. Records relating to the rank and condition of the persons composing the parliament.
12. Records relating to the elections in the county court, such as of commissioners and verderers; and other documents showing the exercise of the elective franchise.
13. Records relating to the customs and constitution of boroughs.

In order to render the work accessible to the general reader, I proposed that the text of the records should be accompanied

by a chronological abstract of the documents;—a calendar of the writs of elections, and the returns thereto;—and an alphabetical digest of persons, places, and principal matters; and having submitted a specimen of the work to the inspection of the Board, I was, on the 1st July, 1825, ordered to proceed therewith accordingly.

The reasons which induced me to recommend such a selection were the following: The writs of election and returns of the Commons, containing the most important portion of Parliamentary History, *had never been published at all*; and partly from the effect of age, and partly from the injudicious application of tincture of galls, were and are daily becoming more illegible, and in the course of a few years must become wholly so, without the possibility of averting their ruin. They are not Records merely adapted to the speculative inquirer, but they are muniments in practical request; and although of remote date, they are part of the living Constitution of the realm. *The Journals of the House of Commons are imperfect without the Returns.* And in addition to their utility, they have always been the subjects of great curiosity. To have published them without the Writs of Summons would have been manifestly improper, and therefore it appeared expedient to unite them with all the documents, which afforded evidence of the individuals, peers, prelates, inferior clergy, or laity, who composed the whole Court of Parliament. In the selection of Records relating to military service, those relating to service by allegiance have been added; because it was by that latter mode of service that feudalism was eaten out, and the connection between baronial tenure and attendance in the Lords' House of Parliament ultimately destroyed, except in the cases of some very few isolated baronies.

The Work is complete in itself. It begins in the reign when Parliament was first constituted as an assembly permanently composed of Lords and Commons. It fits in with the Statutes, and will equally range with the Rolls of Parliament. It comprehends every document which can afford evidence of a right of peerage, or of a right of election; and most of the documents, which display the station of the individuals who composed the

assembly. It is not enough to know that Lords and Commons sat in Parliament, unless the rank and character, which they held, be also displayed.

The English apparatus is intended to render the volume more generally accessible. Few persons can read the contractions of the text with facility; nor is the language, whether Latin, or Norman French, easily intelligible, except to those who are accustomed to legal phraseology. In the Abstract the reader will find the contents of the documents arranged in chronological order. In the Calendar the succession of the Members of the Lower House, for each county and borough, is ascertained by inspection; and where the Returns by Indenture begin, they will be so arranged as to exhibit the rights of election; and in the Alphabetical Digest all the entries relating to each individual, &c. are so compressed and indexed, that the reader, without any further search, is put in possession of all the facts, which the Work contains, and is enabled to ascertain whether it will, or will not, be necessary for him to turn to the text to obtain further information. (24)

(24) [A writer in a well known periodical makes the following remarks upon the Chronological Abstracts and the Indexes. "He (Mr. Palgrave) has added Chronological Abstracts, which explain the purport of the documents for those, who are unacquainted with the correct manner of describing them, and, not least, there are ample indexes of the persons named. This is of the utmost importance for the following reasons. When we have been engaged in researches at the Tower and elsewhere, we have found, from the matters in the chroniclers, that there must be in many Records of public transactions mention made of persons, of whom there is no *index nominum* (as to documents of this kind) in the office Calendars. That such information should be as complete as possible, is evident to all those, who have ever been engaged in peerage claims, genealogy, or topography. We could name an instance in one particular family which, incorrectly understood, might destroy the claim to a barony by writ, by presenting erroneous descents through the confusion. There were three contemporary Johns of the same surname, all serving together in the same expedition. One was a father, another was a son, and the third was a cousin. Dugdale has wrongly distinguished them, and it was only by means of Mr. Palgrave's first volume that we were able to correct the error. We also think that there are many eminent families brought to light by these volumes, which were not before known to have existed, and we are sure that there are many new facts elicited."—*Gentleman's Magazine*, vol. xxiii. p. 236. New Series.]

In consulting collections of ancient instruments, great difficulties arise from the unsettled orthography of proper names. Had for instance, the entries relating to Edmund Deyncurt been indexed, without further explanation, under the *initial letters*, viz. Ayncurt, Edmundus de; Deyncurt, Edmundus; Syncourt, Edmundus de; a search for the matter relating to him would have occupied an hour, or more; but by means of the Digest, the whole is seen at once; and a reader, who does not even understand the original, is enabled to avail himself, to the fullest extent, of the information which it affords. Let me also be allowed, that I did not hastily adopt this mode of *digesting and illustrating the matter by apposition and arrangement*; and that I submitted specimens of the Digest not only to the Commissioners, but to several gentlemen familiar with Peerage inquiries and accustomed to historical investigations; and as they agreed in their opinions of its utility, I was encouraged to persevere in a plan, which has required a great degree of trouble and application. I regret extremely to be thus compelled to dilate upon my own performance, but the anonymous writer has entirely concealed the fact, that the work is not a naked collection of records, but that it derives a principal portion of its utility from the Abstracts and Digests.

Of the volume, containing 1,154 pages, these aids, which are wholly new compositions, constitute 734. In the text, though the Writs of Summons are also found in the Lords' Report, yet they have *not been reprinted* from it; they have been all recollected with the originals, the ancient dates have been reduced to the modern computation(25), without which the reader can seldom use them with security; and they constitute about 100 pages of the volume.

With Prynne's well-known Work, no comparison can be instituted at all.(26) That laborious writer only professes to give

(25) It may be observed, that in consequence of these calculations the Editor was led to the discovery of the fact, that the reign of Edw. I. began on the 20th, and not on the 16th Nov. 1272, as usually supposed; and that consequently all instruments dated on and between those days had been referred to a wrong year.

(26) [It is asserted in the *Westminster Review*, vol. x. p. 410, April, 1829,

a Catalogue of the Writs, &c., and the comparative extent of the materials employed by him, and of the materials published in the present Work, is shown by the following summary:—

County Returns, temp. Ed. I. catalogued by Prynne . 99.

County Returns, 33 Ed. I., mis-catalogued by Prynne } 35.
as belonging to 33 Ed. III(27). }

**County Returns, temp. Ed. I., printed at full length,
for the first time, in the Parliamentary Writs,** { 342.

Vol. I. .

As to the other documents, which are now also published for the first time, it must be left to others to decide whether they

that most of the documents contained in the first volume of the Parliamentary Writs not printed in the Rolls of Parliament, or in the Appendix to the Lords' Report on the Dignity of the Peerage, may be found in Prynne's Calendar. In answer "to this good round assertion" Mr. Palgrave answers "that Prynne's Calendar does not contain one document printed in the Parliamentary Writs."—*Remarks*, p. 17. In reply Mr. Nicolas says, "among the many examples which might be pointed out where documents are printed at length by Prynne, and in the *Parliamentary Writs*, I have selected a few of those of the reign of Edward the First only, and the note below shows the pages in which they occur in each work."*—*Refutation*, p. 49.

Mr. Nicolas candidly admits that the passage in the article in the *Westminster Review* is inaccurately expressed, and observes that mention is not made of Prynne's Calendar in the postscript to that article (*Westminster Review*, October, 1829), nor in the *Observations*.—See *Refutation*, p. 50. The reader, satisfied with perusing the *Remarks* and the *Refutation*, and unwilling to open either Prynne's Calendar or the Parliamentary Writs, will probably think that the Reviewer, who has charged "the pamphleteers" with being "strangely at variance for a matter of fact," has not hazarded a very rash criticism.—*Gentleman's Magazine*, vol. xxiv. p. 142. New Series.]

(27) Many other mistakes of the same nature occur. The writs tested at Woodstock, 6 Edw. III., are catalogued by him as belonging to 6 Edw. II. In the reigns of Hen. IV. V. and VI. numerous errors of the same description occur.

<i>* Prynne.</i>	<i>Parliamentary Writs.</i>	<i>Parliamentary Writs.</i>
Part I. p. 6	Vol. I. p. 28	Part I. p. 10
6, 7	30	12
8	47	14
9	55	III. 142
9, 10	78	244
10	80	IV. 8

have been properly selected; I shall only observe, that a greater part have been hitherto unquoted and unknown; that the City Archives, the Museum, the Lambeth Registers, and other depositories, have supplied information not found in the Public Records; and that they are so bound together and connected by the Abstracts and Digests as to convey that information, which could not otherwise be obtained by the reader, except at the expense of much time and labour.

The reign of Edward II. is now in rapid progress (28), with the Calendar and Digests; it will form two volumes, of upwards of 1,400 pages each, of which the first is completed. In the meanwhile I have still continued the collections for the earlier periods; and they are so far advanced, that I hope in the course of a year to be able to put them to press. Yet I must again remark, that the History of the Constitution, anterior to the reign of Edward I., is not to be found in the Rolls of Parliament, (of which none exist, and which perhaps never existed,) but in the proceedings of the *Curia Regis*, a tribunal which may be considered as the nucleus of Parliament, in the documents evidencing the rights and duties of the Baronage and the prerogatives of the Crown, and in the general tenor of the transactions between the Sovereign and his realm. It is not Parliament, which can be exhibited, but the materials out of which the fabric of Parliament was afterwards raised.

With respect to the parliamentary Records, I shall simply observe that the old edition of the rolls was never collated with the original text, and that it does not contain *one tenth part of the detached petitions since found in the Tower*, and which furnish more important materials, both for public and private history,

(28) Particular attention in this volume has been paid to those documents which exemplify the rank and station of the Members of the Commons; and the result shows, in a singular manner, that the Knights of the Shire were very nearly in the station of their successors, Conservators of the Peace, and Commissioners and Leaders of the Array—an office equivalent to Commanders of the County Militia of modern times. The Members of the great trading towns usually connected themselves with Government as Receivers (*i. e.* Farmers) of the Customs, and as Contractors. The De la Poles, Fastolfs, &c. first appear under such circumstances in the reign of Edw. II.

than any other species of record whatsoever; and all the writs grounded upon Parliamentary petitions are also inedited.

As to the remuneration which the Board has been pleased to assign to me, it has been in proportion to the work actually done and performed; and, comparing *bulk with bulk*, and volume with volume, you will find that the Parliamentary Writs have been rated at a lower standard than what has been usually paid by the public for other similar publications. Every sheet has been collated by myself with the original documents; and I have had no assistance in the work, excepting from copying clerks under my immediate direction. And the sums voted to me include the salary of such clerks and all incidental expenses. (29)

[Extract from a Report of a Committee of the present Commissioners of Public Records, as to the Utility and Expediency of continuing the publication of the Parliamentary Writs.]

[From Manuscript Collection.]

Doubts having recently been stated as to the propriety of the

(29) [The whole of the foregoing extract forms part of a Letter addressed by Mr. Palgrave to the Speaker, and dated the 31st of December, 1829.

Mr. Palgrave has, in his *Remarks*, reprinted a considerable part of the passages above extracted from the *Retrospective Review*, as well as from the *Observations* of Mr. Nicolas.

Mr. Palgrave makes the following statement upon the expediency of printing all the Parliamentary Records:—"The Parliamentary Petitions extend from the 7th Edward I. to the reign of Edward IV. An ancient petition was not, as now, a document ordered to lie upon the table; but it was despatched by the triers of petitions, or by the King, who either declared what remedy, or favour, the petitioner should have, or remitted him to the common law. If the prayer was granted, the course, in most instances, was to order a writ to issue, which sets forth the petition. Upon such a writ, inquests, or other proceedings, were taken, which were returned before the Council, or before Parliament; and then another writ, or perhaps a charter, was issued. Some of these proceedings are entered upon the existing Parliamentary Rolls, others not. Many of the Rolls of Parliament are entirely lost. In such cases their place must be supplied by instruments entered upon the Close, or Patent, Rolls; and this new matter is so mixed up with the old matter, that unless they are interpolated into each and every Parliament, the reader would only find a set of disjointed members."—*Palgrave, Remarks, &c.* p. 37.]

determination adopted by the Board on the 27th April, 1822, to reprint the Rolls of Parliament, Pleas in Parliament, and Petitions, and it having been suggested that it would have been sufficient to have published a supplement, index, and list of the *errata*, to the edition formerly printed under the authority of the House of Lords, the Committee examined specimens of the errors in that edition.

They first inspected part of the sixth volume, containing 107 pages, viz. from p. 277 to 384; 22 of which purport to have been collated with the originals by Mr. Caley, Mr. Richards, and Mr. Illingworth, and bear the initials of their names; and the remainder are marked as "Examined."

A copy of the third volume was afterwards submitted to them, different parts of which had been collated by Mr. Palgrave.

From these specimens it appears that the errors are numerous and material, affecting the names, dates, and sense; that in some single pages they exceed sixty, and that in others several lines together are omitted. (30)

(30) [And yet a Keeper of Records in the Tower, the late Mr. Astle, could assert that this edition of the *Rolls of Parliament* is a work reflecting honour on the reign of George III.—*First Report from the Select Committee on the Public Records*, Appendix, p. 53. But notwithstanding all its defects, the work is admitted by a competent judge to contain "an invaluable collection of historical and constitutional knowledge."]

"It would be improper, in a notice of works illustrative of Parliamentary History, to omit the *Rolls of Parliament*, which were published many years ago in six folio volumes, by order of the House of Commons. These important and highly interesting Records commence with the 6th of Edward I., 1278, and extend to the reign of Henry VIII.; but the Rolls, subsequent to the 19th of Henry VII., 1503, will be found in the first volume of the *Journals of the House of Lords*. The value of the Rolls of Parliament can only be adequately appreciated by those who have been in the habit of consulting them; for there is scarcely a subject connected with the Parliamentary, Legal, or General History of this country, on which information may not be derived from those Records. Besides containing legislative enactments, they often present the previous proceedings; and as the Journals of the House of Lords do not commence until the 1st of Henry VIII., 1509, it is from the Rolls of Parliament alone that proofs can be found of Peers having sat in Parliament previous to that period—which proofs are requisite in claims to an ancient Barony by Writ. The Peti-

Upon the whole the Committee are satisfied, that it is impossible to regard the former edition as in any degree sufficiently accurate to supersede the necessity of reference to the original documents, or if the publication of the Rolls was originally expedient, that of a new and more correct edition.

With respect to the other parts of Mr. Palgrave's publication, the Committee, having fully considered the value of the materials recovered by him, the accuracy with which they have already in part been printed, and the importance of completing the Parliamentary Writs to the accession of Henry VII., are desirous of stating their entire concurrence in the opinion of the merit of this work which has been expressed by one of their members, Sir James Mackintosh; (31) and they recommend to the Board

tions to Parliament frequently contain very curious matter, abounding in biographical materials, in illustrations of the state of society, and in notices of the descent of lands.

"An Index to this invaluable collection of historical and constitutional knowledge is nearly ready for publication, under the authority of the House of Lords. By that Index ready access will be afforded to information which is indispensable to those who wish to learn the History of England from the only true and authentic sources—contemporaneous Records.*

"It is proper to observe, that the Rolls of Parliament are very defective, the proceedings of various Parliaments being, it is feared, irretrievably lost. Though many petitions are printed in the present edition, numerous others exist; and if a new edition of the Parliamentary Rolls is in preparation, its superiority will probably consist in a more accurate text, and in containing the inedited Petitions."—*Nicolas on the Public Records*, pp. 66, 67.]

(31) [The opinion of Sir James Mackintosh is contained in a letter addressed to Mr. Palgrave, dated Harrowgate, 23d May, 1831, from which the following are extracts.

"It appears to me that the publication of a complete series of all accessible documents which throw light on the History of the Constitution is the most important work in which Commissioners of Public Records can be engaged."

"I now think, as I did before, that the present work should be complete in itself, though that will occasion the reprinting from the originals of many documents already printed by Prynne incorrectly, and with the mixture of much useless matter."

With reference to a statement laid before the Committee by Mr. Palgrave, Sir James Mackintosh observes—"All the materials for such a design, and all

* [See *ante*, pp. 2, 3.]

that Mr. Palgrave be authorised to proceed without delay towards its completion on the plan already adopted, omitting after Edward III. Writs for the performance of Military Service, Rolls of the Constable and Marshal of the Host, and Commissions and other documents of a similar nature.

The Committee recommend that Mr. Palgrave be authorised, under the sanction of the Board, to proceed in the examination, transcription, and preparation for the press of the Charters, Customs, and Guild Regulations of Ancient Boroughs; also of the *Post Mortem* Inquisitions of persons summoned by Writ, or returned as Knights of the Shire, to Parliament, till the end of the reign of Edward II. (32)

SECOND SUPPLEMENTAL NOTE.

[*Extract from a Report of the Proceedings of the Editor of the Rolls of Parliament, &c. for the year 1830-1831. (33)]*

[*From an unpublished printed document.]*

(1.) The Editor having been appointed a Sub-Commissioner on the 27th April, 1822, he forthwith proceeded to the investi-

the aids in the execution of it, appear to be rightly stated." "The matters to be excluded appear to me distinctly and judiciously stated, and the condition of printing nothing from printed books to obviate very much of the objection to printing what is in them. The completeness of the collection, and the exclusion of matter either insignificant, or impertinent to the purpose of the publication, will most materially relieve the historical student in point of time and money."]

(32) [The Report is signed "C. W. Williams Wynn," "John Allen," "H. Hallam," "Robert Harry Inglis." It has also received the signature of Sir James Mackintosh. For reasons, which it is not necessary here to state, the Report has not yet come under the consideration of the Board.]

(33) [The extract here inserted contains a repetition of several passages already printed in preceding parts of this compilation, and which could not be conveniently separated from the new matter. It is so important to collect all information relative to a work, which, it is proposed, should comprise all the materials for the Constitutional History of England to the accession of Henry

gation of the unpublished Petitions, or Bills, and other Parliamentary Instruments, discovered in the White Tower in the year 1805 and subsequent years, and which had not been subjected to any examination, or arrangement. These documents were produced in various boxes and portfolios, wherein they had been placed by the direction of the late Mr. Lysons, with the exception of one file, which, having been then lately found by Mr. Bayley in the White Tower, was brought to the Editor in its original state; other Petitions were from time to time brought to the Editor in bags from the White Tower. The Petitions were wholly unarranged, and mixed with numerous documents belonging to other classes, such as Privy Seals, Letters Missive, &c., which the Editor separated from the Petitions, and delivered to the Deputy Keeper of the Records. The arrangement, transcription, and collation of these Petitions occupied the Editor until the year 1825; and the transcripts have been bound in sixty-six volumes. There are still however very many documents of a similar description amongst the unsorted Records in the White Tower, &c., and it is desirable that they should be examined and arranged.

Whilst the transcription of the Petitions was in progress, the Editor was also employed in making the general searches necessary for the work, in the several Record Offices and in other depositories. A view of the results of the searches is appended hereto (No. I.). The collection, though very extensive, is not complete, and offers numerous chasms, which can only be filled up by many years of labour, and by much fuller powers and assistance than the Editor has hitherto enjoyed. One of the most important branches of inquiry is the extent and nature of the proceedings of the ancient Parliament (or Council in Parliament), considered as a Court of Justice administering both Law and Equity;—a Court of Law in all matters relating to tenure and to appellate jurisdiction, &c., a Court of Equity as affording relief in those cases, where the Common Law was unable to help

VIII., as well as the present state of the materials themselves, that the compiler cannot think the reader will consider such repetition as altogether superfluous and useless.]

the suitor. During the whole of the period anterior to the reign of Henry VI. the "Chancery" may be considered as the secretariat department, not only of the Crown but of Parliament; and all the documents relating to state affairs, as well as all judicial proceedings in which Parliament had intromitted, were returned into Chancery. Of these matters, some are entered on the Rolls of Parliament, others are recorded on the Close Rolls, others on the Rolls of the King's Bench and Common Pleas and Exchequer; but by far the most numerous, and to us the most important, remained *in filaciis*, and are now amongst the unsorted Records. (34)

The documents in question are of singular value, because they generally relate to those transitory matters, unnoticed by historians and by legal writers, but which afford the best insight into the real state of the Constitution and the progress of the law. If we read the ancient Rolls of Parliament, we shall find that the law was always before the people. The Petitions relating to the administration of the law comprise nine tenths of those which are extant. The greatest portion of the business, which now passes through the different offices of State and Public Boards, was anciently transacted by the Courts of Law, and by the law officers of the Crown. Hence, the greater part of the real, or supposed, grievances of the subject, arose from the real, or supposed, abuses of the law; and these complaints, and the measures taken thereupon in individual cases, by Parliament, or by the Parliamentary Councils, furnish the best commentary upon our general history.

(2.) Parliamentary Records, in the strict sense of the term, can scarcely be said to begin till the reign of Edward I. The materials for the history of the legislature during its first periods will be noticed below (3.). After having worked upon the Records during three years, the Editor found that the materials for the later reigns would accumulate so rapidly, that it appeared desirable to turn part of them, at least, to use, rather than to retain them until they could be produced in strict chro-

(34) Many are still actually on the file; others have been detached from the files, and are now loose in various bags, drawers, &c.

nological order. Masses of manuscript materials frequently overwhelm the collector; but if they can be brought out in sets and portions, he is enabled to clear off his stock; and they are also accessible to the public, who would be otherwise deprived of them for an indefinite period. With these views, the Commissioners, on the 1st July, 1825, directed the publication of the *Parliamentary Writs, and Writs of Military Summons*. Two volumes of this work are published, and therefore it is not necessary to enlarge upon the materials which they contain, or upon the plan which has been pursued. It is only necessary to remark, that the Writs of Election having been sorted, the Editor ascertained that he could render this portion of the collection tolerably complete;—and whilst the Parliamentary Writs form a complete work of themselves, they will also fall in appropriately in the general series of Parliamentary Records.

The third division of the second volume, containing the Digest of Persons, is in rapid progress; and the Digests of Places and Principal Matters, Edward I. and Edward II. have been prepared for the press.

For the future volumes of the Parliamentary Writs, the chief materials have been collected to the reign of Henry V. The Calendars of Writs of the reigns of Edward III. and Richard II. are completed, and ready to accompany the printed text, as soon as it shall be worked off; and the Calendars of all the remaining Writs of Election in the Tower might be completed in the course of one year. After the introduction of Returns by Indenture, these Calendars (see Specimen, No. II.) will exhibit the Right of Election in the different Burghs; and it will probably be thought desirable to expedite a portion of the work, which will become the foundation of the history of the ancient House of Commons.

The Editor proposes forthwith to begin printing the text of the Parliamentary Writs, &c. of the reign of Edward III. (for which, as above mentioned, the Calendars have been prepared). And it is particularly requested that the Commissioners will bear in mind, that the steady and expeditious progress of a work like the present one, can only be ensured by simultaneously car-

rying on all the stages of the manufacture (if the term may be allowed). The collection and transcription of materials—the preparation of the materials for the press—the printing of the text—and the composition of the Indexes, Digests, and other apparatus—should all go on at the same time ; and it is only by allowing the different processes to fit into one another, that the time of the Editor can be properly filled up and employed.

(3.) It is extremely desirable that the collections for the period commencing with the Conquest and concluding with the accession of Edward I. should be forthwith completed. During this most eventful and important era, our knowledge of the Constitution is to be derived, not so much from the scanty notices of the great Councils of the Realm, as from the several Records, which illustrate the working and practice of the Law—the nature of Tenures—the descent or division of the territorial Baronies—the rights and privileges of the County Court—the franchises of the Burghs—and even the abuses of authority. Our Political Constitution was slowly and imperceptibly formed ; and we can only elucidate its origin by collecting its elements. It is a prevailing error in our Constitutional History, to suppose that there existed, from the time of the Conquest, one Legislative Assembly for the whole kingdom, possessing those functions of judicature, legislation, and taxation, which were afterwards exercised in Parliament. A supreme Court, usually denominated the *Curia Regis*, was certainly established ; this Court afterwards passed into the assembly called Parliament ; and laws were certainly enacted in the great Councils. But the extraordinary revenues of the Crown arose from the local taxation —the aids granted by the men of the Shires—the tallages of the Burghs ;—and it was only by slow degrees that the different elements, dispersed in the inferior institutions, coalesced in the supreme legislature of the federative monarchy of England.

The Records and Instruments which furnish the materials for the analysis of the Constitution, during the period in question, may be classed under the following heads :—

The Rolls and other proceedings of the *Curia Regis*, including the Chirographs of Fines. The latter are pecu-

liarly valuable, as they afford the names of the *Fideles*, of whom the Court was composed.

The Great Rolls of the Exchequer, usually called the Pipe Rolls. From these Records, which have never been used since the time of Maddox, there is reason to expect a fund of invaluable information.

Scutage Rolls—Certificates and acknowledgments of Service—Writs for the performance of Military Service, and Returns thereto—Commissions for the collection of aids, talliages, and other documents relating either to compulsory taxation, or to grants voluntarily made to the Crown.

Proceedings in the County Courts, &c., and other local jurisdictions, in which any pecuniary aids were granted to the Sovereign, or in which any public business was transacted.

Assizes, Ordinances, and other Legislative proceedings, and the few Writs of Summons. And lastly,

All the Passages in the Chronicles relating to the proceedings of Great Councils, Parliaments, and other assemblies of a similar description.

In editing these documents, it will be necessary to add the same English apparatus as in the Parliamentary Writs; and for the following reasons: The Records must be printed in facsimile, or with the contractions. It is thus only, that an authentic copy can be given; but in this shape they are not easily deciphered by those who are unaccustomed to the character and the language. By reducing their contents into tables, the Records are made to explain themselves by juxtaposition. In a work printed by the authority of a Public Board, any theoretical commentary would be entirely inadmissible. But the explanation derived from the arrangement of the matter in a tabular form, enables every reader to judge of the nature and bearing of the documents, and to draw his own conclusions.

The Commissioners will probably think it advisable, that the future volumes of the work should be brought out with as much

expedition as possible ; but as it is expedient to divide the volume according to reigns, it will not be practicable to ensure the completion of a volume at any stated period, though, on the average, the Editor does not feel any doubt but that a Part, or Division, containing one thousand pages, or thereabouts, may be produced with facility in the course of each year.

The Commissioners will observe that the Editor has not hitherto been empowered to make the necessary searches in the Bodleian Library, or in the Exchequer Repositories ; and he respectfully solicits directions concerning such searches. * * * * *

No. I.

Abstract of Collections for the Complete Edition of the Rolls and Records of Parliament.

TOWER.

Parliamentary Petitions and Bills, sorted and transcribed for the Press—

Ed. I.—Ann. 7, 9, 11, 16, 25, 33, and of various years, of which the exact date is not yet ascertained.

Ed. II.—Ann. 1, 4, 5, 9, 12, 13, 14, 15, 20, and of various years, of which the exact date is not yet ascertained.

Ed. III.—Ann. 28, and of various years, of which the exact date is not yet ascertained.

Ric. II.—Ann. 1, 5, 7, 11, 13, 17, and of various years, of which the exact date is not yet ascertained.

Hen. IV.—Ann. 3, and of various years, of which the exact date is not yet ascertained.

Hen. V.—Ann. 2, 9, and of various years, of which the exact date is not yet ascertained.

Hen. VI.—Ann. 1, 3, 4, 6, 7, 8, 9, 10, 15, 28, and of various years of which the exact date is not yet ascertained.

Ed. IV.—Various years, of which the exact date is not yet ascertained.

N.B. All the above-mentioned Transcripts of Petitions have been arranged, and bound in 66 volumes.

The Petitions of various years are by far the most numerous.

The first set was produced to the Editor in 1822; and the transcription and collation thereof was completed in 1825: they belong principally to the earlier reigns. A second set consists of Petitions, chiefly of the reigns of Hen. IV. V. and VI. produced to the Editor in 1826. There are several bags and hampers of unsorted Petitions yet in the White Tower.

Writs of Election and Returns and Writs *de Expensis*, printed, and transcribed for the Press—

Ed. I.—Ann. 18, 25, 26, 28, 29, 30, 33, 34, 35. All the above are printed in the First Volume of the Parliamentary Writs.

Ed. II.—Ann. 1, 2, 5, 6, 7, 8, 9, 10, 12, 14, 15, 16, 17, 18, 19, 20. All printed in the Second Volume of the Parliamentary Writs.

Ed. III.—Ann. 1, 2, 4, 5, 6, 7, 9, 10, 11, 12, 14, 15, 18, 21, 22, 24, 25, 26, 27, 29, 31, 34, 36, 37, 38, 39, 42, 43, 46, 47, 50.

Ric. II.—Ann. 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 20.

Hen. IV.—Ann. 1, 3, 7, 8, 12.

Hen. V.—Ann. 1, 2.

(The remainder of the Writs and Returns for the Reign of Hen. V. and the whole of Hen. VI. and Ed. IV. remain to be transcribed.)

The Writs of Election and Returns have been taken as they have been produced to the Editor, from a press in the Wakefield Tower, appropriated to Parliamentary Proceedings. It appears from the Petyt Collections, that the original Writs and Returns, 23, 24 Edward I. (v. P. W. vol. i. p. 33, 34.), were formerly in the Office of the King's Remembrancer. Transcripts of the Returns made to the Writs of the 38 Henry III. are extant in the Museum (Bib. Cott. Claud. C. II.), apparently from Originals in the Tower; but such Originals have not yet been found.

The series of the Returns for the City of London, for the reigns of Edward I. II. III. and Richard II. has been completed from the City Books; and a few for Winchelsea have been collected from the portions of the Town Records now in the Museum.

Procurations of the Clergy—

Ed. I. and II.—Various years, printed in the two volumes of Parliamentary Writs.

Ed. III.—Various years.—It is expected that some of these documents for later reigns will be found amongst the unsorted Petitions.

General Parliamentary Collections—

John.—Rolls searched, and a part of matter transcribed.

Hen. III.—Rolls searched, &c. Scutage Rolls transcribed. Bound in eight volumes.

Ed. I.—Rolls searched, and all the matter relating to Parliamentary Proceedings and to Military Service transcribed. Original Military Returns transcribed. Extracts made from Inquisitions, to illustrate the descents of individuals summoned by special writ, usually considered as Parliamentary Barons. Bound in nine volumes. (The published volume is in part composed of the above-mentioned extracts.)

Ed. II.—The like.

Ed. III. and subsequent reigns.—Rolls partially searched, and documents transcribed.

33 and 35 Ed. I. and 14 Ed. II. Proceedings in Parliament, from the *Vetus Codex*, or Black Book.

CHAPTER HOUSE.

Ric. I. John, and Hen. III.—Rolls of the *Curia Regis* searched for Documents explanatory of the origin and jurisdiction of the Great Council and Parliament, and matter in part transcribed. Bound in eight volumes. It will be necessary to inspect the chirographs of fines in the early reigns, in order to collect the names of the individuals composing the *Curia Regis*, which appear more fully from these documents than from any other sources.

52 Hen. III.—Rolls of Proceedings pursuant to the Edict of Kenilworth, transcribed. Bound in one volume.

Ed. I. and II.—Rolls of *Placita coram Rege* searched, and all enrolments relating to Parliament and Parliamentary Proceedings transcribed. Bound in thirteen volumes. These supply many documents not found upon the Rolls in the Tower; and they

also furnish more perfect copies of many which are there unrolled.

Rolls of Parliament, 18, 23, 26, 28, 29, 30, 33, and 35 Ed. I. transcribed. The Lords edition of the Rolls of Parliament, by Messrs. Astle and Morant, was made from Transcripts which did not faithfully represent the original Records.

11 Ed. I.—Taxation Roll of the Borough of Ipswich, transcribed.

BRITISH MUSEUM.

In this Repository all the principal Lieger Books, Chartularies, Historical and Legal Volumes and Collections, as well as the original Charters, have been carefully examined, and the Parliamentary and Constitutional Documents have been noted, or transcribed. The Transcripts have been bound in twenty-four volumes. (Part of these Transcripts are printed in the Parliamentary Writs, Vols. I. and II.) These Collections are too numerous and varied to admit of being stated in detail; but amongst them are the following—

Acts and Proceedings of the Council, 3 Richard II. to 36 Henry VI. including many Parliamentary Proceedings. Bound in eight volumes.

Custumals of Torkesay, Fordwich, Reading, Sandwich, and Winchelsea. Bound in two volumes.

Assizes of Henry II.

PUBLIC LIBRARY, CAMBRIDGE.

Parliamentary Documents transcribed from the Register of Henry de Estre, Prior of Canterbury. Printed in Parliamentary Writs, Vol. I.

Transcript made of a manuscript of the *Registrum Brevium* of the time of Henry III. being the earliest copy known; and which, by showing what were the Writs *de Cursu* in the early part of the reign of Ed. I. affords the means of judging of the cases in which it was necessary to apply to the Council in Parliament, as the authority by which special Writs were issued. (As the regulations of the Public Library do not allow any Manuscripts, or even the Catalogue to be inspected, except in the presence of a Master of Arts, the Editor has been compelled to confine his examinations to a very few volumes. The volumes used, were taken out of the Library upon bond.)

LINCOLN'S INN, LIBRARY.

Some of the Lieger Books and other MSS. have been examined, and documents transcribed. Partly printed in the Parliamentary Writs, Vol. I. (In consequence of the restrictions imposed by the will of Sir Matthew Hale, there is great difficulty in using these Manuscripts, which the Editor hopes will be removed by the Benchers.)

INNER TEMPLE LIBRARY.

Petyt Collections examined, and such documents as are not accessible in the original Records, transcribed. Partly printed in the Parliamentary Writs, Vol. I.

ARCHBISHOP OF CANTERBURY'S REGISTRY, LAMBETH PALACE.

The Registers of Archbishops Peckham, Winchelsea, and Reynolds, including the reigns of Edward I. and II., have been searched, and all the documents relating to Parliament, and to the parliamentary privileges of the Clergy, have been transcribed. In part printed in the Parliamentary Writs, Vols. I. and II. Searches to be made for the subsequent reigns.

CHAPTER HOUSE, CANTERBURY CATHEDRAL.

The same searches have been made as last mentioned, and all matter transcribed, to the close of the reign of Richard II. In part printed in the Parliamentary Writs, Vols. I. and II.

TOWN CLERK'S OFFICE, GUILDHALL.

The Letter Books of the city of London, A. to H., comprising the reigns of Edward I. II. and III. and Richard II. examined, and all documents relating to Parliamentary, or Constitutional, History transcribed. Bound in three volumes. In part printed in the Parliamentary Writs, Vols. I. and II. Searches to be continued for subsequent reigns.

TOWN CLERK'S OFFICE, IPSWICH.

Black Book of Ipswich transcribed. This volume contains the Customs of the Borough; the Proceedings which took place when the First Charter was granted by King John, a. r. 1°; and the Admissions of the Foreign Burgesses. The Editor hopes to be able to obtain the use of a similar volume, preserved in the Town Clerk's Office at Norwich.

N.B.—No searches have been made amongst the Records of

the Court of Exchequer—in the Bodleian Library—or in any Corporate, or Ecclesiastical Archives, except such as are above mentioned—the Editor not having been furnished with the means or the authority which would enable him to do so (1).

Progress of Printing.

Parliamentary Writs, Vol. I. containing 293 sheets, or 1172 pages.

Began 18th October, 1825.

Completed July, 1827.

Parliamentary Writs, Vol. II.—Began 1st October, 1827.

1st Division, containing 188 sheets, or 752 pages, completed February, 1830.

2d Division, containing 265 sheets, or 1,060 pages, completed February, 1830.

3d Division, containing sheets, or pages, printed
1831.

(1) [A similar account of searches made by the Editor of the new edition of the Rolls of Parliament in Record Offices, and in other depositories, is printed *Sessional Papers, House of Commons—Record Commission*, 12 June, 1829.]

THE PARLIAMENTARY WRITS.

No. II.—Specimen of Calendar of Returns by Indenture.

Bedford. (Bedford, Burgus et Villa.)

TESTE,	RETURN.				PERSONS RETURNED, Page. No.
	A. D.	A. R.	A. D.	A. R.	
1413 1 Westm. 22 Mar.	Hen. V.	1413 1 14 May Westminster, in Three Weeks of Easter.			Indenture made at Bedford, 10 May, between Thomas Aylebury, Sheriff of the County of Bedford, of the one part, and John Tunstal, Roger Tunstal, William Sheldred, Geoffrey Plomer, John Nowell, William Dowe, Richard Clark, William Watlington, Simon Brewer, John Kent, and William Barbour, BURGESSES of the Borough of Bedford, of the other part,—with the unanimous assent of the "COMMUNITAS" of the said Borough.
1414 2 Westm. 26 Sept.			1414 2 19 Nov. Westminster, on Monday next after the Oc- lays of St. Martin.		Indenture made at Bedford, 18 October, between Thomas Strickland, Sheriff of the County of Bedford, of the one part, and John Kent, MAYOR of Bedford, Richard Clark, Nicholas Dwyer, BAILIFFS, and Roger Tunstall, William Gathernich, William Stackland, Thom- as Bedford, Thomas Hunt, John Vynche, John Tunstal, John Nowell, Henry Spark, John Darys, John Stryder, and John Boston, COMBURGESSES of the Town of Bed- ford, of the other part.

CHAPTER XXII.

THE FŒDERA.

[*From the general Introduction to the Work.*]

I.—Origin and Progress of the Work intitled the *Fœdera*.

1. Of this national Work, intitled, *Fœdera, Conventiones, Litteræ, et cujuscunque generis Acta Publica inter Reges Angliæ, et alios quosvis Imperatores, Reges, Pontifices, Principes, vel Communitates, ab ineunte Sæculo Duodecimo, vix. ab anno 1101, ad nostra usque tempora habita, aut tractata.*—*Ex Autographis, infra secretiores Archivorum Regiorum Thesaurarias, per multa sæcula reconditis, fideliter excripta.*—Accurante Thoma Rymer, &c.—The first fourteen volumes were published in Rymer's life-time; the fifteenth and sixteenth, which he had prepared for the press, were published after his death by Robert Sanderson, his assistant, afterwards Usher of the Rolls; by whom also was added a seventeenth volume, with an extensive apparatus of indexes: the work was continued by the same hand in three succeeding volumes, making in the whole twenty volumes folio. From any thing we can learn from Rymer to the contrary, the materials of these sixteen volumes were selected and arranged by himself: he does not intimate that he had seen any previous plan, or had any digests, tables, or calendars, to facilitate his researches; nor does he give the slightest intimation of these things, even in his Dedication to Queen Anne, under whose authority the Work was undertaken; but by his labours, industry, and accuracy, he has deserved well of his country in particular, and of Europe in ge-

neral. (1) His Work does lasting honour to the enlarged views and munificence of those sovereigns under whose auspices it was projected, conducted, and published ; and perhaps there were few, if any, men in his day, who could have executed a design with so much accuracy and success, at once as difficult and complex as it was important and useful. (2)

(1) [Notices of the contents of the first eighteen volumes of the original edition of the *Fœdera* may be seen in the various numbers of the *Acta Eruditorum*, that appeared between the years 1708 and 1729. The German critics announced the commencement of the undertaking in the following terms :— “ Splendidum opus imo regium hic exhibetur, eâ Principe dignum, quam suscipit et amat cum Britannis Europa, si illos inde secludas, quibus metum injicit atque terrorem. Annam dicimus, serenissimam Britannicæ Reginam, quæ, quamdiu felici suos moderatur imperio, non libertatem solum publicam vindicare, sed artes etiam quascunque bonas visa est fovere clementissime. Illius jussu patent nunc archivorum regiorum thessauri, splendido, nec contemnendo ad alios exemplo, quos æque benignos literis optamus, publicati. Quod dum celebramus, non est tacenda nobis Perillustris Viri, Caroli Hallifaxii, munificentia, cui librum in publicis officinis nequaquam prostantem debemus.* Nobilissimus horum monumentorum collector Rymerus à Seculo XII. facit initium, quo ineunte imperium capessivit Henricus I. ad nostra usque tempora laborem hunc perducturus. Singulis Tomis Indicem lemmatum chronologicum præmisit, nominum priorum, quæ ibidem sunt obvia, subjunxit. Ex octo autem, qui hactenus prodiere Tomis, (nam plures adhuc expectantur,) primum jam exhibemus, notaturi quædam loco speciminis, plurima vero brevitätis memores prætermisuri.”— *Acta Eruditorum, anno 1709*, pp. 529—536. See also *ibid. 1710*, pp. 225—232; *ibid. 1711*, pp. 239—249; *ibid. 1712*, pp. 97—106; *ibid. 1713*, pp. 8—16; *ibid. 1715*, pp. 49—60, and pp. 315—318; *ibid. 1721*, pp. 506—510; *ibid. 1728*, pp. 193—197; *Supplements, 1711*, pp. 329—336; *ibid. 1717*, pp. 289—292; *ibid. 1721*, pp. 243—252. The reviewers thus conclude their notice of the eighteenth volume (one of the volumes of which Robert Sanderson was the editor) : “ Ceterum ut summo publicæ et literariæ rei emolumento Tomi hunc insecuri, Cel. Sandersoni cura laudatissima, quantocyus quoad fieri potest, lucem aspiciant, ex animo vovimus.”— *Acta Eruditorum, anno 1728*, p. 197. See also Nicolson, *English Historical Library*, p. 148.]

(2) [“ The important collection of historical documents usually designated *Rymer's Fœdera* has long been known to the learned throughout Europe, as it

* [“ I have one copy given me by Lord Hallifax.”—(Menkenius.) *Du Fresnoy, New Method of Studying History*, by Rawlinson, vol. ii. p. 464.]

Upon inquiring into the origin and progress of this great Work, we find, that although its beginnings are almost imperceptible, it had a slow but steady growth for 126 years previously to the publication of the first volume. We need not consider the various attempts made in remote reigns (3) to methodize and arrange the invaluable materials, which came at last under the hands of Rymer, as essentially serviceable to his undertaking; because the attempts were either partial, or abortive; and the Tables, Calendars, and Indexes thus made, either perished, or became private property. But Sir Joseph Ayloffe has published an excellent work on this subject, entitled, *Calendars of the Ancient Charters, &c.* to which is prefixed, (4) "An Introduction giving some Information of the State of the Public Records, from the Conquest to the present Time;" from whence we may collect an account of the materials out of which the *Fœdera* grew, and may discern the form, arrangement, and even the title, which the Work has assumed. The author of this Introduction informs us, that, in 1567, Queen Elizabeth, taking into

has formed the chief source whence historians have derived their materials. The variety and interest of its contents scarcely admit of being classed, or defined. The work forms, in fact, an inexhaustible store-house for historians, antiquaries, and biographers; and whatever may be the object of inquiry connected with the middle ages, the *Fœdera* is one of the first books consulted. If the expression may be permitted, it is, in fact, the "Bible of Antiquaries;" for, as the greater part of the documents were taken from contemporary Records, the accuracy of what is there found renders the information of infinitely greater value than the statement of Chroniclers, whose narratives it often corrects, almost always illustrates, and, what is of not less importance, sometimes confirms. No historical student can possibly proceed with his labours, nor is any historical library complete, without this invaluable collection. Its utility has been manifested by the testimony of the learned of this as well as of other countries for more than a century, and by the constant reference, which is made to it in every work of the least historical pretensions."—*Nicolas on the Public Records*, pp. 28, 29.]

(3) [See *ante*, Part I. pp. 12, *et seq.* See also, *ibid.* p. 237.]

(4) [See *ante*, Part I. pp. 1 and 306.]

consideration the confused and perilous state in which the Records of the Parliament then lay, issued a warrant, directed to Sir William Cordel, Master of the Rolls, to deliver into the hands of William Bowyer, the keeper of the Records within the Tower of London, all the Parliament, Patent, Treasurers, Close and Fine Rolls, Bundles of Escheats, Inquisitions, Attainders, and Surrenders, and all the other Rolls and Records whatsoever, of her Chancery, for the several reigns of Richard III., Henry VII., Henry VIII., and Edward VI. And we are further informed, that Bowyer was the first who reduced the Tower Records into good order; and then digested and made Repertories of them. This compilation was contained in six large volumes folio; and in forming it, the author spent eight years and above 1000*l.* of his own money.—*Ayloffe*, Introd. p. xxviii. It is true, the fruits of this laborious man's industry are not now to be found; but when, or how, they were lost cannot at this distance of time be ascertained. Having done so much for the Records of the Parliament and Chancery, the Queen extended her care to the other Courts; for she directed Arthur Agarde, one of the deputy Chamberlains of the Exchequer, to sort and digest, not only all the Records in the four Treasuries of the Exchequer, but also all the original Leagues and Treaties of Peace, Truce, Alliance, and Marriage between England and foreign nations; and to make Calendars of them.—*Ayloffe*, Introd. p. xxix. This work the industrious author completed in the succeeding reign; and it may be observed that the Queen's direction to him contains the very articles, that constitute the title, which Rymer has given to his collection. The papers of Agarde falling into the hands of Thomas Powell, he published them, first in 1622, and afterwards with considerable additions in 1631, in a small quarto, under the following title: *The Repertorie of Records remaining in the four*

Treasuries on the Receipt Side at Westminster, the two Remembrancers of the Exchequer: with a short introductory Index of the Records of the Chancery and Tower; as also a perfect Calendar of all the Records remaining in the office of Records at the Tower of London in the years of King John, Henry III., Edward I., Edward II., Edward III., Richard II., Henry IV., Henry V., and Edward IV.(5) Though this is a very brief Work, it contains a vast fund of information, and bears every mark of good judgment and unimpeachable accuracy; and Rymer must have been considerably indebted to it.

In 1661 the care of the Tower Records was confided to William Prynne. This laborious antiquary is said to have brought to light great numbers of ancient and valuable Parliamentary and other Records, which he sorted, marshalled, and arranged in such method, that by the assistance of the Tables and Calendars, which he made, any person might have easy access to any of the Records.—*Ayloffe*, Introd. p. xxxvi. Of his extraordinary diligence his own voluminous works are a sufficient testimony. *The exact Abridgment of the Records in the Tower of London from the reign of King Edward II. to that of King Richard III.*, which he published from the papers of Sir Robert Cotton, fol. Lond. 1657, was a very valuable work in its time: but as it relates almost solely to the Parliamentary Records, it could be but of little use in the plan of the *Fædera*; though other Collections of the same laborious antiquary have doubtless contributed their quota of help.

Soon after King William and Queen Mary's accession, Robert Harley, afterwards Earl of Oxford, formed a plan for printing, at the public expense, all the Leagues, Treaties, Alliances, Capitulations, and Confederacies, which had

(5) [See *ante*, Part I. pp. 346, 347.]

at any time been made between the Crown of England and other kingdoms, princes, and states; intermixed with such Instruments and Papers of State as either more immediately related to them, or were curious and useful in illustrating the English History; and by the recommendation of the Earl of Halifax, Rymer, then Historiographer Royal, was appointed to carry it into execution. That Rymer might have every facility towards the accomplishment of so great and useful a Work, he received Queen Mary's Warrant, dated August 20th, 1693, empowering him, "to transcribe and publish all the Leagues, Treaties, Alliances, Capitulations, and Confederacies, which have at any time been made between the Crown of England and any other kingdoms, princes, and states, as a work highly conducing to our service and the honour of this our realm." And the same warrant gave him liberty of access to all the different repositories of the public Records. To this was added, an order of the King in Council, dated April 12th, 1694, to the Lord Keeper of the Great Seal, commanding him "to cause a Writ to be sealed and directed to the Right Honourable the Lords Commissioners of his Majesty's Treasury, and the Chamberlains of the Exchequer, authorizing and requiring them to deliver, or cause to be delivered, to Mr. Thomas Rymer, all Leagues, Treaties, &c. remaining in the several Treasuries of the Exchequer, which he shall have occasion for and desire."

Thus encouraged and assisted, Rymer commenced his work, and published his first volume in 1704, eleven years after the date of the first Warrant. It seems that, at an early period of the undertaking, he had employed Robert Sanderson as an assistant, as we find him included with Rymer in a third Warrant issued by Queen Anne, dated May 3d, 1707, giving them conjointly the same authority to search, transcribe, and publish, as by the preceding

instruments was given to Rymer alone. These Warrants are all printed in the first Volume of the 8vo. edition of the *Acta Regia*(6), Lond. 1731, pp. xi—xiii. We have

(6) [*Acta Regia; or an Account of the Treaties, Letters, and Instruments between the Monarchs of England and Foreign Powers, published in Mr. Rymer's Fædera. Translated from the French of M. Rapin, as published by M. Le Clerc. Published monthly.*]

The *Acta Regia* is what it professes to be, “An Account of Mr. Rymer's Fædera.” There are in some compilations references to Nichols' *Anecdotes of Boeyer*, (pp. 54 and 74, 4to edition,) and to Dr. Rawlinson's *Translation of Du Fresnoy's New Method of Studying History*, (vol. i. p. 229,) for information on this great work. The former contains only two short notes upon Rymer and Sanderson, and their undertaking. The latter has this note: “As far as Mr. Rymer went he has been very faulty and partial, but the world has reason to expect a more useful, select, and careful collection from Mr. George Holmes, Deputy Record Keeper of the Tower, a man of excellent judgment and equal skill.” Menckenius, under whose care the Leipzig edition of Du Fresnoy appeared, observes that “Sanderson's character is much superior to his predecessor in the undertaking.”—*Du Fresnoy by Rawlinson*, vol. ii. p. 464.

In December, 1788, Mr. Astle addressed to a Select Committee of the House of Lords a letter respecting Rymer and his work, which the reader will perhaps think that it is not improper to introduce in this place.

“Your Lordships having been pleased to ask my opinion concerning the accuracy of the *Fædera* by Rymer and Sanderson, and conceiving it to be my duty to pay attention to any Question coming from your Lordships, I desire permission to lay before the Committee what has since occurred to me, and what I have been able to collect concerning the reputation of the Editors of this work, as well as of the work itself. I find that in the year 1692 Mr. Rymer was appointed Historiographer to King William; his first Warrant empowering him to search the Public Records, for the materials, which compose the *Fædera*, is dated August 26, 1693. His authorities were renewed by Warrant from Queen Anne, dated May 3d, 1707, when Mr. Sanderson was joined with him in the undertaking. Mr. Rymer died December 14th, 1713; he was esteemed a man of considerable learning, and is generally allowed to have been an excellent antiquary and historian. After his death Mr. Sanderson continued to add to the Collections for the *Fædera*, and February 15th, 1717, a Warrant was issued by his Majesty King George the First to Robert Sanderson, Esq. alone to continue the work; who in that year published the 17th volume of the *Fædera*. The 18th volume, published by Mr. Sanderson in 1726, contains a remarkable Dedication to his Majesty, wherein he speaks of the importance of the work, and observes that he had been employed in it above thirty years. The first impression of the seventeen volumes of this work having become scarce,

already seen that fourteen volumes of this work were published during the life-time of Rymer, who died the same year in which the 14th was printed, viz. 1713. The 15th and 16th he left prepared for the press, which, with the 17th, were published in the course of the four following years, by Sanderson his assistant, who afterwards added the three additional Volumes already mentioned.(7) Thus was completed what may be properly termed the first edition of the *Fœdera*, begun in 1704, and completed in 1717. This edition soon becoming very scarce, Jacob Tonson obtained the royal privilege and license of King George I., for the sole printing and publishing a new edition of the *Fœdera*, for the term of fourteen years. In this work he engaged George Holmes, deputy keeper of the Tower Records, as editor, who states that this second edition (8) was by him, "ad originales Chartas in Turri Londinensi denuo summâ fide collata et emendata." It appears, that in the course of passing these volumes through the press, Holmes had discovered and corrected a number of errors. These he collected in a separate volume, which he published with the following title: *The*

Jacob Tonson obtained a Royal License for reprinting the same; and in the Title-page to the Second Edition, published in 1727, it is expressed to be 'Editio Secunda ad Originales Chartas in Turri Londinensi denuo summâ fide collata et emendata, Studio Georgij Holmes.' The 19th volume was published in 1732, with a Dedication to his late Majesty, wherein Mr. Sanderson speaks of the importance of this great work, and of the sources from whence it was drawn. The 20th volume was published in 1735, which is also Dedicated to his late Majesty. Mr. Sanderson died December 25th, 1741, with the reputation of an industrious antiquary. I beg leave to acquaint your Lordships, that, for a course of twenty-five years and upwards, I have had frequent occasion to consult the *Fœdera*, which I have considered as a work of authority. I am, with the greatest deference and respect," &c.]

(7) [These three additional volumes are adapted both to the first and the second editions. "Les trois derniers volumes publiés par Rob. Sanderson, sont les mêmes pour l'une et l'autre édition." Brunet, *Manuel du Libraire*, art. Rymer.]

(8) [London, 1727—1735.]

The Emendations in the New Edition of Mr. Rymer's Fœdera, published for the use of those gentlemen who are possessed of the former edition. London, printed for J. Tonson, in the Strand, 1730, fol. pp. 57, containing 114 columns.—These emendations extend to the conclusion of vol. xv. and seem to be the result of his revision of the sheets of the original work either for, or from, the press. Many of these emendations, it is true, are of considerable importance ; but he has not corrected one fourth part of the errors found in the original edition : others are of very little consequence, consisting chiefly in correcting infinitives by gerunds ; alterations in the names of persons and places ; putting *Cart.* for *Claus.* and *Claus.* for *Pat.* &c. ; the greater part are mere typographical corrections. We have sufficient proof that Holmes did not collate the Papers at the Tower with any tolerable degree of care, (9) from the very many omissions discovered on re-collation, not of words only, but in many instances even of sentences ; for instance, in vol. 1, p. 89, “ Excambium factum inter Archiep' Cantuar' & Ep'um Roffens,” (*Cart. Antiq.* c. 17.) there is a sentence, consisting of twenty-five words, entirely omitted, by which the sense is completely destroyed. Rymer, not knowing how to act, has placed a mark † in the margin, opposite to the place, to indicate that the sense, from some cause or other, was not clear. In the second edition, Holmes has printed the article as left by Rymer, with a similar mark in the margin ; when,

(9) [Mr. Nicolas, after remarking that doubt is thrown upon the assertion that Holmes did collate the press with the original in the Tower, proceeds to observe : “ To what extent Holmes may have done so, it is impossible, without a careful examination, to state ; but this much is certain, that he did collate numerous documents, that he thereby corrected important errors, and supplied numerous omissions, because the writer of this tract lately saw the copy of the first edition which Holmes used for the purpose, and convinced himself, by collation, that those corrections were made in the second edition.”—*Nicolas on the Public Records*, p. 30. But see a subsequent page.]

had he only turned to the *Cartæ Antiquæ* as referred to by Rymer, and which were under his own immediate care, he might have discovered the omitted sentence. In this volume of Emendations, none are found for vol. xiv.; and as Holmes does not appear to have carried his corrections beyond the twelfth volume, the remaining eight must have been carried through the press by Sanderson alone. This edition also becoming scarce and high priced, a new edition was undertaken at the Hague, in 1738 or 39, which was completed in ten volumes folio, printed with considerable elegance, on a much smaller letter than either of the preceding editions. In this edition, the *Fœdera*, properly speaking, is included in the first nine volumes; the tenth is occupied with a very copious general Index, and with the Analysis of the whole work, published in French by M. Rapin, entitled *Abrégué Historique des Actes Publics d'Angleterre, recueillis par Thomas Rymer*; and known in England by the title of *Acta Regia*. This Analysis was begun by Le Clerc,(10) as a critique, or review, in the *Bibliothèque Choisie*,(11) continued by Rapin to the conclusion of the 17th volume, and brought down by an unknown hand to the conclusion of Sanderson's supplementary volumes. This tenth volume is the most valuable part of that edition.(12)

(10) [The extract (*Abregé Historique*, p. 1,) "est le seul que Mr. Le Clerc ait fait: tous les autres sont de Mr. de Rapin."]

(11) [*Le Clerc, Bibliothèque Choisie, pour servir de suite à la Bibliothèque Universelle*, tome xvi. art. 1. pp. 1—61. *Recueil d'Actes Anciens, qui se trouvent en Angleterre par Mr. Rymer.*]

(12) ["The chief recommendations of the Hague edition are, 1. Its consisting of only ten volumes; 2. The insertion of one hundred and seven Letters from Queen Mary to Foreign Princes and States between 1554 and 1558, from the originals in the library of the Duke of Kent; 3. Greater topographical accuracy; 4. The *Abregé Historique*; 5. A General Index to the whole work. The two London editions have no Index to the last three volumes; and the only Indexes to the seventeen preceding volumes are merely *Locorum et Nomini-um*, which are divided into seventeen parts, corresponding with each volume, and sometimes require as many distinct searches. With these advantages,

The *Fædera* commences with a Convention between Henry I., King of England, and Robert Earl of Flanders, made at Dover, on the 16th of the calends of June, A. D. 1101, in the 1st year of Henry's reign; and the last instrument with a date is a Letter from Paris, of March 22d, 1654, the sixth year of the reign of King Charles II. After this Letter there are two others without dates, but their contents show that they were written some time in the same year. The whole compilation, therefore, includes the period of 553 years. But it should be remarked, that in the reigns of Henry I., Stephen, Henry II., and Richard I., there are not less than sixty-seven years for which no kind of instrument is found in the preceding edition.

After Rymer's death, an endeavour was made by the House of Lords to examine the Repositories of the public Records, to ascertain their contents and the state of preservation in which they were found. The account of this measure is as follows: On December 9th, 1718, an order was issued by the House of Lords, appointing Committees "to view the Records of the Court of Chancery in the Tower, and those fit to be carried thither; and to consider what place there, is proper to receive them; and likewise to view all such other public Records as they shall think fit, and in what manner and place the same are now kept." This order was carried into execution, and very important proceedings took place in consequence; and a Report

however, there are defects in the Hague edition, which have not been pointed out. Each volume is divided into four parts, separately paged, which not only needlessly burthen the memory in using the Index, but produces great inconvenience, as there are four pages with the same number in each volume. The General Index is extremely defective and inaccurate, and can never be depended upon. It must be noticed, however, as a merit, that a reference occurs in each page of the work to the corresponding page in the second London edition; and, on the whole, the Hague edition may be recommended as the most convenient and valuable."—*Nicolas on the Public Records*, pp. 30, 31.]

from the Committees was laid before the House of Lords, April 16th, 1719, which, with an humble address, was laid before his Majesty, April 17th, and his Majesty was graciously pleased, on the 18th of the said month, to order that the measures therein recommended should be carried into execution. By an order of the Lords, the whole proceedings relative to this business were printed for the use of their Lordships.(13) The copy to which this refers bears date London, 1723. In the Report made to the Lords on this occasion, a general view is given of the following offices, their contents, and the state of the materials found in them: 1. The Tower. 2. The Rolls Chapel. 3. The Pipe Office. 4. King's Remembrancer's Office. 5. Treasurer's Remembrancer's Office. And 6. The Augmentation Office.

Thus we have seen by what slow steps this important national Work was brought into being, and raised to a comparative state of perfection; 1st, A variety of pre-disposing Acts, for the preservation and arrangement of the public Records, prepared its way, by furnishing the materials; 2dly, The Earl of Oxford's love of literature, and zeal for the honour of his country, suggested the plan, according to which the important undertaking was conducted; and 3dly, The munificence of three British sovereigns, directing and encouraging the industry of Rymer and Sanderson, brought it before the public.

II.—*Materials of which the Fædera is composed, and Sources from whence derived.*

Sect. 1. The materials of which the *Fædera* is composed are, generally speaking, of a most important nature. England, from the remotest period of its history, has borne a distinguished part among the nations of Europe, and its connexions with foreign states have always been extensive and powerful. A Diplomatic History, therefore, of such

(13) [See before, Part I. p. 14.]

interests and connexions, from the invasion of England by William Duke of Normandy, down to our own times, containing all the Leagues, Treaties, Capitulations, Manifestoes and Correspondence, which have taken place between this country and other states and sovereigns, must be of great importance not only to this country, but to Europe at large. Such a history, the Collection now technically called the *Fœdera*, from the first word of its running-title, presents; taken in every point of view, it is of the highest interest to the statesman, the lawyer, and the historian. It is true that the original editor, through hurry, or precipitancy, has permitted many things to enter into the great mass, some of which are of little, others are of minor consequence: yet it is not perhaps going too far to say, that there are very few papers in the whole collection that may not be found, in reference to particular subjects, deserving of insertion.

Sect. 2. With respect to the Sources from whence the materials of this Work were derived, we have already seen that Rymer had access, by Royal authority, to all the public offices and repositories of State Papers, &c. Both his instruments and margins prove that he collected much from the Charter, Patent, and Clause Rolls in the Tower, as well as from the bundles of Letters, Writs, and Miscellanies in the same place; and some few things from the *Chartæ Antiquæ*; from the Bulls in the Chapter-house, Westminster, and from the ancient Treaties in that office; from the King's Remembrancer's office in the Exchequer, and much from the Cottonian library: he made collections also at the Chapel of the Rolls, and some gleanings from the archives at the Archbishop's Palace, Lambeth. The State Paper Office furnished him with nothing previously to the reign of Henry VIII.; from that period it is rich and abundant; and the gleanings left, are more copious than the harvest, which he reaped. But there was a source

of another description, to which he was much indebted, viz. “The ancient English Annalists and Historians.” This has been demonstrated by the fact, that several papers, whereof the originals are probably no longer extant, and the only copies are preserved in the above writers, are found *verbatim* in Rymer. The proofs of this have been furnished in great detail to his Majesty’s Commissioners on the public Records of the kingdom, but need not be adduced here. Of this fact the regulations made by Richard I. at Chinon, on his way to the Holy Land, A.D. 1190, p. 52, and the Letter of *Vetus de Monte*, A.D. 1192, p. 61, afford sufficient proof. It has been suspected also that Rymer had access to some private collections, the proprietors of which he has not thought proper to name; but these stand without any reference in the *Fœdera*, and the places of their deposit have been long and diligently searched for in vain.

III.—*Comparative Merits of the different Editions through which the Fœdera has passed.*

We have already seen that the *Fœdera* passed through three editions; the first, by Rymer, assisted by Sanderson; the second, by Holmes and Sanderson; and the third by the Hague booksellers; but who the editor of the Dutch edition was does not appear. The first edition, and the manner in which it was compiled, have been particularly described in the preceding pages. Though the second edition professes to be “summâ fide collata & emendata ad originales chartas, &c.,” yet, from what we have seen, it appears to possess but few excellencies beyond the former. Allowing even that Holmes did collate all the Instruments of the first twelve volumes with the originals, this could be true of the Instruments in the Tower only; but multitudes have been collected from other sources, none of which, we may presume, he professed to touch; nor has he, even from the Tower,

enriched this second edition with a single new article; nor have even the *Omissa* added to the first and second volumes of Rymer's edition, been inserted in their proper places. Those in the reign of Edward I., which amount to upwards of fifty articles, the originals of which are in the Tower, have neither been collated nor inserted in their places: and several instruments taken from the Patent and Clause Rolls, which were printed in the first edition under a wrong date, are repeated in the second edition, without the slightest attempt either at correction, or chronological arrangement: indeed, some of the Papers from the Tower are in a more incorrect state than those taken from any other office; and particularly the French Papers, which were transcribed with great carelessness. The third edition possesses several peculiarities. It appears to have been undertaken by the Dutch booksellers merely for their own private advantage; but the person, whom they procured to superintend the work, was both judicious and learned.(14) In the title pages of all the volumes, it uniformly professes to be formed after the second London edition; but adds "Editio tertia prioribus longè amplior & emendatior. Hagæ Comitis, apud Joannem Neaulme." The second volume bears the date 1739—the first and tenth, that of 1745. It is likely that this edition was begun in 1738.

In this re-impression, the following are the peculiarities referred to above. 1. All the English Papers are translated into French; but the original is preserved in a parallel column. 2. At the conclusion of the *Fœdera*,

(14) In point of typographical accuracy the third edition is very far superior to either of the preceding. In the Avertissement prefixed to the first volume, the Editor says, "Je ne m'attendrai point sur ce qui la rend preferable aux deux premières, par rapport à l'exactitude: J'avoue même qu'on auroit pu pousser les corrections beaucoup plus loin encore qu'on n'a fait, s'il avoit été permis de donner quelque chose à la conjecture, dans des pièces où tout est sacré."—*Avertissement de l'Éditeur.*

. which ends in the ninth volume, are found, “*Epistole Mariæ Reginæ Angliæ, ad extraneos Principes & Republicas ab anno 1554 ad annum 1558; desumptæ ex manuscripto originali in Bibliothecâ Ducis Kantiae.*” These letters, probably written by Roger Ascham, are one hundred and seven in number; and though not of very great importance, yet some of them tend to throw light upon the political and ecclesiastical history of that period, in which both the church and state were brought to the verge of ruin.(15) 3. A tract, entitled, “*De l'Estat & Gouvernement do Royaume d'Angleterre, avec une nouvelle addition des principales Cours du dit Royaume, & des Officiers d'icelles Cours. Faict à la main le 28 Mars de l'an de Salut 1565, pendant le regne de la Serenissime & Excellentissime Princisse la Reine Elizabeth, par un gentilhomme, Ambassadeur en France pour sa Majesté, apres [aupres] le Roy Charles IX., de ce nom.*” The Manuscript from which this was taken is said to have been “given by the late Prince of Condé to the Count de Bethune.” The original of this tract is no other than Sir Thomas Smith's *Account of the Commonwealth of England*, which was long before this time in print, and had passed through several editions, both in Latin and English. (16) 4. The tenth volume is composed of “*Abrégé Historique des Actes Publics d'Angleterre, recueillis par Thomas Rymer.*” This is the French original of what is called the *Acta Regia*, translated by Stephen Whately. It was begun by Le Clerc, as we have already seen, and continued by Rapin, and it appears the Earl of Halifax encouraged him to undertake the work; and for this purpose had the different volumes of the

(15) [See *Reports from the Commissioners on the Public Records*, vol. i. pp. 119. 122. 138, 139.]

(16) [See *Reports from the Commissioners on the Public Records*, vol. i. pp. 119. 136—138. See also *ibid.* p. 139.]

Fœdera sent to him in the course of their publication. It comprehends more than the English edition, as it gives an analysis of the 20th Volume of the *Fœdera*, which is not found in either the folio, or octavo, edition of the *Acta Regia*. 5. It contains also a very copious and useful Index of the principal matters in the twenty volumes of the *Fœdera*, but adapted here to the nine volumes of the Dutch edition. It is well known that the London editions have no Index to the last three volumes; and the *Index Nominum* and *Index Locorum*, &c. are printed at the end of the 17th Volume; and the latter Index is divided into seventeen parts, each part including the subjects of its corresponding volume. This is very inconvenient, as sometimes it may require seventeen distinct searches to find the subject in question. But in this respect, the Dutch edition has greatly the advantage of the two London editions. As the *Abrégé Historique* is so intimately connected with the *Fœdera*, it may be necessary to give a more particular account of this Work, and the plan on which it was executed. This Analysis, termed in Holland, “*Abrégé Historique des Actes Publics d'Angleterre, recueillis par Thomas Rymer*,” and in the English edition, *Acta Regia*, was begun by Le Clerc in the 16th volume of the *Bibliothèque Choisie*, in which work no other plan appears to have been intended, or followed, than that of giving a simple Analysis of the contents of each volume, with a Critique on the importance of the materials. This Analysis Le Clerc conducted through the first volume of the *Fœdera*, after which he put the work into the hands of Rapin, who brought it down to the conclusion of the 17th volume, on a plan more extended and more methodical than that of Le Clerc; and, that there might be an uniformity in the work, when he had gone regularly down from the second to the seventeenth Volume, he took up the first volume, which had been analyzed by Le Clerc,

and abridged it on the same plan, which he had adopted with respect to the succeeding volumes. What Rapin's plan was, we learn from his own words in the commencement of his work, and by these we find it differed from the plan of Le Clerc in two important particulars. 1st, In giving a better arranged and more extensive Analysis of the Contents of each volume. 2nd, In showing the relation these Acts bore to the History of England ; and of what importance they were in illustrating the public and private transactions of each reign. "Le Clerc," says Rapin, "en donnant l'extrait du premier tome, s'est contenté de faire connaître en gros, l'usage qu'on pouvoit faire de ce recueil ; premièrement, par quelques remarques générales ; & secondement, en indiquant quelques uns des Actes les plus importans, qui se trouvent dans le premier tome. Mais, mon but, dans les extraits suivans, a été d'entrer dans un plus grand détail, de marquer le rapport des Actes avec les événements qui se lisent dans l'histoire ; & d'éclaircir les uns par les autres."—*Abrégé Historique*, p. 8. The method, which Rapin appears to have pursued, was this: In the first place, he carefully considered the acts in the *Fœdera* under each reign. 2ndly, He brought Acts of a similar description together, and thus made a general classification, under the denomination of Articles. 3dly, He then examined the History of England in its foreign and domestic relations ; and selected the leading facts, which might be arranged under the articles of the preceding classification. 4thly, He gave an epitome of these historical transactions under each article, attaching to each the Act, or Acts, by which these transactions were illustrated and confirmed. 5thly, He added some notes at the bottom, the better to explain certain circumstances, both in the Acts themselves and the transactions, or history, of those times. Thus, for the reign of Henry II., he classed his materials under the following articles : I. Of

the increase of the English Monarchy. II. Affairs of Henry with Thomas à Becket. III. Of the Conquest of Ireland. IV. Rebellion of Henry's Sons. V. Henry's Affairs with Scotland. VI. Henry's Affairs with France. VII. Of Richard's Rebellion. Each of these forms a head of historical discussion ; at the end of which, such Acts in the *Fædera* as are referred to in the subject are mentioned. But this classification of articles was necessarily varied in different reigns, and with these variations he continued his abridgments to the conclusion of the 17th volume. The remaining three volumes were abridged by a different hand ; the author taking his historical text from Rapin's History of England. This latter Abridgment is tedious, is destitute of lucid arrangement and distinguishing leading principles, and absurdly classes all the transactions, and the Acts relating to them, in alphabetical order, to the confusion and almost total destruction of chronological arrangement, so essentially necessary to a work of this kind. It is obvious how much these important records must be dismembered by being reduced to such an order as was required under *Amboine—Armée—Chambre Etoilée—Chevaliers, Colonies—Descharges—Découvertes, &c. &c.*; and to what an excess this confusion must be carried in the English translation, which, following the order of its own alphabet, displaced most of the articles in the French arrangement. *Ex. gr. Amboyna—Army—Books—Church—Dispensations—Forest Laws—Grants—Inventions—Knights, &c. &c.*

IV.—Necessity of a New Edition.

Those, who are best acquainted with the *Fædera*, and the nature of the originals of which it is composed, have unanimously agreed that it is a work capable of great improvement, and one that may be carried to a much higher degree of perfection. On carefully considering the materials of this work, it has appeared that many of

them are incorrectly printed; and the nature of the mistakes is such, as to prove that they have been incorrectly copied from the originals. This was not owing to Rymer himself; wherever his hand appears, it is the hand of a master; but he was most evidently obliged to employ persons to transcribe in the different offices, and in many cases they have proved themselves, either from inability to make out the old hands, or carelessness in copying, to have been very unworthy of his confidence. (17) Many instruments taken from the Tower, and particularly the French papers, and many of the earlier Bulls, taken from the Chapter-House, have been copied with the most reprehensible neglect. What renders this the more to be regretted, is the fact, that the originals have suffered greatly by the lapse of time since the days of Rymer; and

(17) The *Collectanea* of Rymer in the British Museum, consisting of fifty-seven volumes of folio Transcripts, made by different hands, are so exceedingly incorrect as to be perfectly useless for the purpose of being printed; they give indeed a good general idea of the Instruments of which they are supposed to be fair transcripts, but nothing more.*

* [“Fifty-eight volumes of inedited materials, collected by Rymer, but not inserted in the *Fœdera*, are preserved in the British Museum, forming the Additional MS. from No. 4573 to 4630. Though it is said, in the Introduction to the new edition of the *Fœdera*, that those transcripts were in many instances too inaccurate to be printed from, they will nevertheless be found highly useful for antiquarian and historical purposes. A catalogue of the documents in question is given in the seventeenth volume of the second London edition of the *Fœdera*, and there is an Index to the contents of each volume.”—*Nicolas on the Public Records*, p. 35.]

[“Besides the documents printed in the old edition, Rymer formed fifty-seven folio volumes of manuscript collections of Records illustrative of history, between the year 1115 and the year 1698, which apparently were intended as a continuation of his splendid work. These manuscripts are preserved in the British Museum, and require nothing more to render them fit for press than that the various instruments should, where practicable, be collated with the originals.”—*Nicolas, Observations on the State of Historical Literature*, pp. 94, 95.]

[Respecting the above-mentioned volumes of *Collectanea* in the Museum, see *Reports from Commissioners on Public Records*, vol. i. pp. 135, 136. See also an account of certain transcripts of Records left by Mr. Rymer, that his executrix had procured to be bound, and which were discovered in the hands of one Churchill, a bookseller, and placed in the custody of the Housekeeper of the House of Lords.—*Reports of the Lords' Committees*, April, 1719, pp. 103, 104. See further, *Worrall, Bibliotheca Legum Angliae*, p. 105, and *Reports from the Commissioners on the Public Records*, vol. i. p. 124.]

others have suffered much by the injudicious method used by his collectors, who in many cases, to render an evanescent page, or paragraph, more legible, have applied an infusion of galls, by which the vellum and parchment have been incurably tinged with black to the very centre of the skin. Some of these valuable muniments have been badly kept. Even where they are best and most carefully preserved, they are necessarily perishing ; and as it is impossible to find in any future time these instruments in a better condition, it depends solely on the press to give them perpetuity. Such considerations as these have long suggested the necessity of a new, more correct, and more extended edition of this great national work. The reasons for this measure may be thus briefly summed up :—
1st. The *Fædera* is a collection of great general utility and importance, and is acknowledged to be so in every part of Europe ; 2dly. To the British nation it is as interesting as it is honourable ; it is the faithful depository of its most important acts, the originals of which are daily perishing, or becoming less legible ; 3dly. The original edition has long since disappeared ; the second edition, more extensive, has been long out of print ; and the Dutch edition has been long both scarce and dear (18) ; 4thly.

(18) [This passage was written during the late war. Since the peace numerous copies of the Dutch edition of the *Fædera* have been imported into this country. Menckenius states, that only two hundred copies of the work were printed, and that few were ever sold. The expense was defrayed by the Crown.—(*Du Fresnoy's New Method of Studying History*, translated by Rawlinson, vol. ii. p. 464.) Before the second edition appeared, “ a set of the seventeen volumes was sold for a hundred guineas.”—Nichols, *Anecdotes of Bowyer*, p. 98, 4to. edition ; *Acta Regia*, vol. i. p. 6. See also *Reports from the Commissioners on the Public Records*, vol. i. p. 119 ; from which it seems that not long prior to March, 1808, the price of the work was only fifteen, or twenty, guineas. It is there predicted, “ that since the Right Honourable the Commissioners on the Public Records of the Kingdom have taken up the subject, and have recommended both a *Supplement* to, and a *Continuation* of, the original work, it will in consequence, when they accomplish their laudable

The late measures for methodizing, arranging, and preserving the Public Records of the kingdom, have afforded peculiar and extraordinary facilities for such an undertaking.

V.—*Of the present Edition of the Fœdera—its History and Execution.*

I. In the beginning of the year 1800 a Select Committee of the House of Commons was appointed to inquire into the state of the Public Records of this kingdom, and of such other Public Instruments, Rolls, Books, and Papers, as they should think proper, and to report to the House the nature and condition thereof, together with what they should judge fit to be done for the better arrangement, preservation, and more convenient use of the same; and the Committee presented their Report to the House of Commons on the 4th of July in the same year. In this Report, after taking a view of the measures which had been adopted in former times for the preservation of the Public Records, from the 46th of Edward III. A.D. 1372, down to the 6th of George II. A.D. 1732, of what had been done in consequence of these measures, and of what still remained to be done, they proceeded to state, that having made out a List of all the Public Repositories in England, in which any Records, Rolls, Books, or Papers of Royal, Parliamentary, Judicial, or other Public Authority, had been usually kept, comprehending those formerly inquired into by Parliament, and those hitherto unexamined by it; and having classed them under the heads of General Repositories, Houses of Parliament, Offices of State, Courts of Justice, Cathedrals and Universities, Inns of Court, and Public Libraries, compre-

design, become one of the scarcest and perhaps highest priced books in the republic of letters." It is added, "the hints, which the public have already heard on this subject, have raised the work to more than double its former price, and have caused every copy on sale to be bought up."

bending, also, all Repositories of a similar description in Scotland, they had next framed a List of Questions to be transmitted to the different Repositories, for ascertaining the nature of the Contents of each place, the State of the Building in which such Records were kept, as to its security and accommodation, and the degree in which the Catalogues, Calendars, and Indexes were complete. This inquiry produced the most satisfactory results. The Returns made to these Questions, from Public Offices and other Repositories, amounted to between three and four hundred, in which a detailed account was given of all the Records, Instruments, and other matters to which the Questions related. No former measures had ever produced such returns. That in 1732 having produced only eighteen; and even this small number, as far as appears, by no means so complete and circumstantial as even the like number of those now procured. Upon the foundation of this Report an Address from the House of Commons was presented to His Majesty, humbly representing, "That, having taken into consideration the State of the Public Records of the kingdom, although in several offices they found them preserved with order and regularity, yet in many of the most important offices they had found them wholly unarranged, undescribed, and unascertained; that some of them were exposed to erasure, alteration, and embezzlement; and others lodged in places where they were daily perishing by damp, or incurring a continual risk of destruction by fire; that it would be beneficial to the public service that the Records and Papers contained in many of the principal offices and repositories should be methodized; and that certain of the more ancient and valuable among them should be printed,—and beseeching his Majesty that he would give such directions thereupon, as in his royal wisdom he should think fit." Upon the 19th of July, 1800, the Chancellor of the Ex-

chequer informed the House, that their address having been presented to his Majesty, his Majesty had commanded him to acquaint the House, that he would give the necessary directions. And a Commission for carrying into effect the measures recommended by the House of Commons, was accordingly issued under his Majesty's sign manual. Among the measures recommended to the House by the Select Committee, and which the Royal Commission gave authority to execute, was the following, viz.—“ To make a Selection of such Records as it may be expedient to print under the authority of Parliament.” And in reference to the point more immediately under consideration, they expressed themselves thus : “ The State Papers published together in Rymer's *Fœdera* form a most valuable collection. They commence from the reign of Hen. I. 1134 (1100), but they do not come lower in date than the first six years of Charles II. during the usurpation ; and it appears to your Committee, that it may be very desirable to have this work completed by a supplementary selection of such other important papers as were omitted by the original compilers ; and also to have it continued to the Revolution, or even to the Accession of the House of Hanover”. (19) When a suitable person was found to execute the duties of a Sub-Commissioner, in superintending and conducting this work, the first task assigned to him was to examine the different Public Offices, in order to ascertain what additional articles they were likely to afford towards supplying the deficiencies of

(19) [It is well known that the original plan of the Record Commissioners was also confined to a similar supplementary selection and a continuation. The arguments which appear to have induced them to sanction “ a new edition of the whole Work, under a more scientific and methodical arrangement, in which all the new materials shall be incorporated with the original matter under their respective heads,” may be found, *Reports from the Commissioners on the Public Records*, vol. i. p. 129. See also a subsequent page.]

the original work. And it being satisfactorily proved to the Commissioners that several important instruments had been discovered, unknown to Rymer and his associates, and that it would be a matter of some consequence to begin the work with the Norman invasion, A. D. 1066, instead of the first year of Henry I., it was finally ordered that the work should commence there; and, at a subsequent meeting of the Commissioners, they agreed that it should be brought down to the Accession of his present Majesty. The plan being finally arranged, searches were commenced at the following places (20): 1. The Tower of London, where the principal part of the instruments printed in the earlier volumes of the *Fœdera* still remain, and where a multitude had been lately discovered, in the reigns of Henry III. and Edward I. 2. The Chapter House, Westminster, where the principal part of the ancient bulls were found; as also authentic transcripts of many important instruments in two large Register Books, denominated *Liber A.* and *Liber B.* This office also contains some Royal Wills, and various other instruments of the description of those, which constitute the body of the *Fœdera*. 3. In the Archives of the Dean and Chapter of Westminster, some curious instruments were found belonging to the Norman reigns. 4. The Cottonian, Harleian, Lansdown, Sloanian, and other Collections in the British Museum, were carefully examined, and many valuable materials extracted from them. 5. The selections made at the State Paper Office are both numerous and valuable. These will appear in the subsequent volumes of the work, as the State Papers there do not commence before the reign of Henry VIII. 6. From the Bodleian Library, at Oxford,

(20) [It is, however, asserted, that the only repositories (with very few, if any, exceptions) from which the new matter in the last edition of the *Fœdera* was taken, were the Tower, and Chapter House, Westminster.—*Nicolas on the Public Records*, p. 31.]

much valuable matter has been obtained, not only from the Collections of ancient Charters and Register Books there deposited, but particularly from the *Carte Papers*, which are faithful transcripts taken from the originals in Paris, relating to English State Transactions with the French Court; many of which do not now exist amongst our archives. 7. Several successful searches were made in the University of Cambridge, and particularly in the invaluable MS. Library of Corpus Christi College, formerly belonging to Archbishop Parker. The Public Library in that University has also afforded some good materials for succeeding parts of the work. 8. The Chapel of the Rolls has produced a great variety of excellent materials, particularly for the reigns posterior to Edward IV., and for the periods to which they relate voluminous selections have been already made. 9. From the Library of the Dean and Chapter of the Cathedral of Durham, and the Library of the Bishop's Auditors' Office in the same place, some assistance has been obtained in the earliest part of the work, a period in which the originals of state transactions in all the public offices are deplorably scanty. 10. The Red Book of the Exchequer, Westminster, has afforded many curious articles, which have been inserted in the earlier reigns, as well as considerable help in ascertaining the genuine readings of some important instruments, which had formerly been carelessly edited. 11. The same may be said of a MS. in the College of Heralds, London, from which an authentic copy of the Will of Henry III. was obtained. 12. From the Library of Trinity College, Dublin, the Library of the Dublin Society, the Archives of Christ Church, and other collections and offices in the same city, some valuable materials have been selected. 13. The Archives of various Cathedrals, and some Private Collections have been consulted; by these means some mistakes have been rectified. 14. A fruitful source of

correction, emendation, and enlargement has been opened by the ancient English annalists and historians from the remotest period of our monarchy down to the fifteenth century. Several of these contain faithful transcripts from originals of Leagues, Conventions, &c. which probably no longer exist; and many chasms in the different reigns, contained in the first volume of this work, have been filled up by the assistance of those historians—a source to which Rymer was indebted for some of the most curious instruments in the commencement of his Collections.

II. The principal points in which the present work has improved upon the former editions, are,—1st, The extension of its limits to an earlier and later period of time. 2dly, The verification of the old materials, and the addition of others within the same reigns. 3dly, The chronological arrangement, with a reference to the repository in which each article is to be found; and lastly, The typographical execution of the whole.

I. The work commences now at an important era, that of the Norman Conquest, in A.D. 1066, instead of A.D. 1100, the accession of Henry I., which forms no remarkable period in our history, nor is distinguished by any transaction of any importance in the British annals; and even in this reign with which it commences, which includes a period of thirty-five years, only two instruments are found in the preceding editions. In selecting the instruments for the earlier volumes of the *Fædera*, Rymer appears to have taken great pains, and to have exercised much judgment and discretion; so that to the end of the reign of Queen Elizabeth, 1603, there is but little that can be retrenched with safety to the integrity and credit of the collection. But, after the time of Elizabeth, the work seems to have been conducted with less care, and especially in the latter volumes, in which there are many

instruments, which are little more than repetitions of others, having scarcely anything to recommend them besides a difference of times, places, and persons. As to private instruments, however, not many of this kind appear in the work; and very few, if any, that may not be serviceable to cast some light on English history. Of those which are called Papal Ecclesiastical Acts, it should be observed, that in the early reigns authentic documents are scarce, and most of them are of an ecclesiastical nature, or so closely connected with church matters, that they cannot be easily separated. And as the early part of our history is extremely barren of information, even on topics of the greatest political consequence, every fragment of real history, or which has a tendency to illustrate state transactions, should be considered as valuable. It must also be considered, that the subjects in the *Fœdera*, especially in the greater number of the volumes, have been before the public for more than one hundred years; and many of them have been quoted and referred to by historians, critics, antiquaries, lawyers, and divines, both at home and abroad. Many important articles, (upwards of 600 in the first volume,) have been added under the different reigns; all either of consequence in themselves, or necessary as connecting links to complete the history of state transactions for the times to which they refer.

2. All the papers printed in the original Editions have been carefully revised; several of the most important, where doubts arose, were compared with the originals, when they could be found; and the whole of those taken from the Patent and Clause Rolls in the Tower, from the 7th of Edward I. 1278, to the end of his reign in 1307, have been collated with the Originals. As the work has been printed from the Second Edition, collated by Holmes with the originals at the Tower, it was not thought necessary to re-collate all the Papers from that Repository, although, from other sources, this plan was adopted from

the commencement; but very early in the reign of Edward I. such inaccuracies were discovered, that it was resolved not to pass over a single Article in any Repository where the originals were found, without re-collation.(21) All those taken from the Bulls in the Chapter-house, have also been collated with the originals, and a multitude of errors corrected, especially in the transcripts made from the earlier Bulls. Those of later times, had been copied by Rymer with great fidelity. Whoever is acquainted with the *Fœdera* must have noticed that there are many instruments in that work which are not referred to any originals, or places of residence; and that several others stand with the very unsatisfactory note, *Ex Autogr.* or *Ex Orig.* In the course of searches for new materials, and to correct the old ones, care was taken to trace those comparatively unauthenticated papers to their respective sources, and these searches have been crowned with general success; and the Repositories thus ascertained have been carefully entered in the margin opposite to their respective instruments. There are but few, which remain unascertained; those, the places of which have been sought for in vain, now stand in the margin with the note, *Vid. Præfat. hujusce operis.* By this note, it is intended also to point out certain instruments, the authenticity of which is disputable, and which appear to have no higher authority than what they derive from their insertion in the *Fœdera*. Only two instruments of this description will be found in the first volume, viz. p. 61 and 62, under the year 1192; they both pretend to be Letters from *Vetus de Monte*, شیخ الکبیر Sheekh ul Jibel, the Old Man of the Mountain, (a chief of a branch of the Hassanian Dynasty, who, with several thousands of his followers, were then settled at Mount Lebanon); the first to Leopold Duke of Austria, and the second to the Christian

(21) [On this subject see a subsequent page.]

Princes and People of Europe, vindicating Richard, King of England, from the murder of the Marquis of Montferrat, with which he had been accused. The first of these Letters appears to have been received by Ralph de Diceto, who was Dean of St. Paul's in 1181, from William Longchamp, Bishop of Ely, and Chancellor to Richard I. who desires him to insert it in his *Chronicles*. See *Ymagines Historiarum X. Script. col. 680.* The date indeed given to this instrument by Brompton, and copied by Rymer, is *Anno ab Alexandro Papa quinto*; whereas the copy sent to Ralph de Diceto is dated *anno ab Alexandro M. D. V. (millesimo quingentesimo quinto)*, referring to the æra of Alexander, which is the same with that of the Seleucidæ; and having preceded the Christian æra by 312 years, that number, when added to 1193 A.D. the proper date of the Letter, will account for the date of M. D. V. (22)

3. The Chronological arrangement, which was extremely defective in all the former editions, is here, with great care and labour, reduced to consistency and order. In many instances, instruments were both misdated and

(22) [Respecting the Letters from the شیخ الْجبل see also *Reports from the Commissioners on the Public Records.*, vol. 1. pp. 131—133, and pp. 496—498. See also the *General Introduction to the Fædera*, 4to edition, pp. 51—54. Notwithstanding the resolution of the compiler not to digress into notes purely historical, or literary, he is tempted to remark that the Letter to Leopold was satisfactorily demonstrated to be a forgery more than half a century before the Appendix to the General Introduction to the new edition of the *Fædera* was written.—*Éclaircissement sur quelques Circonstances de l'Histoire du Vieux de la Montagne: Mémoires de l'Academie des Inscriptions et Belles Lettres*, tome xvi. pp. 155—176. The proofs, that the letter to the Christian Princes and People of Europe is not genuine, are almost equally clear. See further *Dissertation sur les Assassins, Peuple d'Asie: Mémoires de Littérature, tirées des Registres de l'Academie des Inscriptions et Belles Lettres*, tome xvii. pp. 166, 167; *Von Hammer, Geschichte der Assassinen, aus Morgenländischen Quellen*, s. 203; *Wilken, Geschichte der Kreuzzüge*, Theil iv. s. 486; *Raumer, Geschichte der Hohenstaufen und ihrer Zeit*. Band. II. s. 490; and *Michaud, Bibliothèque des Croisades*, Partie II. pp. 750. 861.]

misplaced. In a variety of cases where articles have been dated by calends, they have been reckoned as current days of the month, instead of being reckoned backwards; thus several had got into a wrong month, some into a wrong year, and some even into a different reign. A new computation has therefore been made, in reference to the date of every article in the first and second volumes: 1st, By the mode now generally adopted by European States—2dly, The ancient Roman method by Calends, Nones, and Ides—and 3dly, By the mode adopted in many instances by the Moveable Feasts of the Church, Saints' days, their eves, octaves, &c. It must be allowed that in several respects it was difficult to avoid such mistakes at the commencement of the work; and subsequent editors certainly paid no attention to this circumstance. The necessity of examining every thing chronologically seems never to have occurred to them; and, on this account, it is difficult to speak of their labours at all times with respect. The *Omissa*, which have been printed at the end of the volumes of the preceding editions, have been incorporated in this new edition, in their regular chronological series.

4. The typographical arrangement of the matter in each page has been improved; the reader has at one view on the head of every page, the name of the reigning monarch, the year of his reign, and the year of our Lord; and if instruments occur on the same page, for more than one year, that also is marked by a leading line of reference from figure to figure. Several instruments, in some of the early Norman reigns, are referred to no particular year; but this was unavoidable, because the originals are undated; and though the facts, mentioned in most of them, sufficiently show the time in a general way, in which the instruments were written, yet it would have been impossible by any allowable critical conjecture, to have fixed the year; and therefore it was thought more advisable to

leave them as they were found, aiming only as far as possible at consecutive arrangement. In the side margin are also to be found the year of our Lord, the name of the King, and year of his reign, the Roll, Bundle, Book, &c. from which the article was taken, and the Place, or Repository, where it is preserved. The old titles have in most cases been recomposed; and all are so constructed as to give some general view of the substance, or nature, of the instrument to which they are prefixed. In many cases there were serious defects of this kind in the former editions. This may at first view appear a slight circumstance; but the convenience of it to those, who have frequent occasion to consult the *Fœdera*, will soon become obvious. The *Magna Carta*, and *Carta de Foresta*, and the modifications, explanations, and enlargements, which they underwent in various reigns, with all the series of state instruments to which they gave rise, are in this edition, for the first time, carefully inserted from the originals. How they came to be omitted in the preceding editions it is difficult to conjecture; while it is most evident, that there are not any instruments in the body of the whole work, that came more directly under the description of those of which the *Fœdera* ought to be composed. To the former plates, which are here all retained, and some of the most important re-engraved from the originals, there are added several new ones, consisting of Fac-similes of the most important instruments, and of the Seals of different Monarchs; the additional Fac-similes for Volume I. are of the following dates and descriptions; viz.

William I.—1. “*Carta fundationis Abbatiae Sⁱ Martini de Bello.*”—From the original in the British Museum.
2. “*Carta Regis Willielmi S^o Petr' West' concessa, post descriptionem Angliae.*”—From the original, under Seal, in the Archives of the Dean and Chapter of Westminster.

Henry I.—“*Libertates canonicis S. Trin. Lond. concessæ & quod habeant soccam de Anglica Cnicthene-*

gilda."—From the original, under Seal, in the Chapter House, Westminster.

Henry II.—"Carta de pluribus condonationibus Ranulpho Com' Cestr' ab. Hen. Duce Normanniæ factis, A.D. 1152."—From the original in the British Museum.

John.—1. "Homagium a Willielmo Rege Scottorum Johanni Regi Angliæ factum, A.D. 1212."—From the original in the Tower. 2. "Ista sunt Capitula quæ Barones petunt & Dominus Rex concedit."—From the original, under the Great Seal, in the British Museum. 3. "Magna Carta Regis Johannis, A.D. 1215."—From an original in the Archives of the Cathedral Church of Lincoln.

Many Seals are given for the first time in this edition. Those in the first volume are—1. The Seal of William I. 2. Of William Rufus.—3. Of Henry I.—4. Of Stephen.—5. Of Eustace, son of Stephen.—6. Of Henry II.—7. Of Richard I.—8. Of John.—9. Of Henry III.—10. Of Edward I. These have been all correctly taken from the originals.(23)

(23) [In 1817 a few copies of the Introduction to the new edition of the *Fœdera*, together with an Appendix and an Index, were privately printed in a quarto form. The Appendix has also been printed in the *Reports from the Commissioners on the Public Records*, vol. i. pp. 485—504. Its contents are as follow :— "Observations upon Two Documents proposed to have been inserted in the New Edition of the *Fœdera*, viz.; 1. The Conqueror's Charter to the Earl of Brittany; 2. *De Navibus*, or an Account of the Means afforded by the Norman Nobility to enable William their Earl to attempt the Conquest of England.—Doubts as to the authenticity of the (*Letters of*) *Vetus de Monte*, or the Old Man of the Mountain.—A Report on the Papal Bulls preserved in the Chapter House, Westminster.—A Report on the Expediency of inserting certain Charters of Liberties in the New Edition of the *Fœdera*."

Much of the matter contained in the *General Introduction* is to be found in the four Reports of Dr. Adam Clarke, printed in *Reports from Commissioners on the Public Records*, vol. i. pp. 115—139. These four Reports also contain much information respecting the new edition of the *Fœdera*, which does not exist elsewhere.*]

* [See First Supplemental Note.]

FIRST SUPPLEMENTAL NOTE.

A Report of Proceedings in Collecting Materials for a Supplement to, and Continuation of, Rymer's Fædera.

[THE four Reports mentioned in the preceding page (*note*), are dated 18th March, 1808, 13th May, 1809, 31st January, 1810, and 12th March, 1811.

The following Report of Proceedings, dated 15th March, 1810, was, it seems, inadvertently omitted in the Appendix to the Reports of the Commissioners.]

[From Manuscript Collection.]

From a note with which I have been honoured by his Majesty's Commissioners on the Public Records of the Kingdom, dated Feb. 13, 1810, I collect the following particulars:—

1. That I am desired to draw up a short Narrative previously to the 25th of March, to be laid before the Commissioners, containing an outline of the course I have pursued in making collections for a Continuation of, and Supplement to, Rymer's *Fædera*.
2. To state how far the result has enabled me to execute the purposes for which I have been employed.
3. To point out the principle and mode, according to which Rymer's work has been executed, as to selection of articles, original sources, &c.
4. To note what preparations I have made in laying up materials for a critical account of the sources from which Mr. Rymer took the documents in his work; and
5. I am required to give an account of the precise scheme and heads of the work, which is now to be executed.

To these particulars I shall endeavour to give as brief and as satisfactory an answer as possible.

- I. "As to the outline of the course I have pursued in making my Collections."

When at first I was desired by his Majesty's Commissioners

to draw up an Essay (24) on the *Fœdera* of Mr. Rymer, being wholly unacquainted with the different Repositories where instruments, such as those contained in it, were preserved, I could only refer to those hypothetically which, from their nature I had reason to believe, were the guardians of the articles in question.

From a general knowledge of the contents of the British Museum, and especially of the Cotton and Harleian Collections, judging that these would afford, on the earlier part of the projected Supplement, more Documents than I could expect to find elsewhere, I requested permission to commence my searches in that place.

Being sufficiently aware that nothing could be done effectually without a plan, though I found it at first difficult to fix one, yet thinking it would be best to determine on a particular period, by which my researches for the present should be limited, I laid down the earlier part of the *Fœdera*, from its commencement to the death of King John, as the part I should first take up; as it appeared to me to be the most barren in important Documents; and that part which, of course, stood most in need of the intended Supplement.

I shall not trouble his Majesty's Commissioners with accounts of tedious and vexatious preliminary searches. After having examined all the papers in the *Collectanea Rymeri*, and those in the *Apographa* of the *Chartæ Antiquæ* within my assigned period, taking memoranda of those articles which I supposed proper for the work, and having gone over Mr. Planta's Catalogue of the Cotton Library, and taken notes of whatever appeared to be suited to the same purpose, I afterwards examined the different instruments to which my notes referred, as carefully and as critically as I could, and then finally determined on the articles, which it might be necessary to extract.

(24) [*An Essay on Rymer's Fœdera, with Hints for a Supplement to that Work.* This Essay was afterwards expanded into the *General Introduction*, and forms the First Report upon the formation of a Supplement to, and Continuation of, the *Fœdera*, and is printed in *Reports from Commissioners on the Public Records*, vol. i. pp. 115—123.]

This was my general plan.

Having represented to his Majesty's Commissioners, that as the *Fœdera* commenced with a time (1 Hen. I.), which formed no æra in our history, nor was distinguished by any fact of importance, it might be as well to carry it back, at least, to the Conquest, if not further; and they being pleased to signify their consent that a trial should be made in reference to those times, I began to examine the most authentic period of our Anglo-Saxon history, and having fixed on a few Charters, &c. of comparative importance, from the reign of Edgar, A.D. 960 to the death of Edward the Confessor, A. D. 1066, I began my work by transcribing these. Afterwards I took the Norman Dynasty, and in chronological order extracted every thing I could meet with, which I judged of sufficient importance, in the reigns of William I., William Rufus, Henry I. and Stephen. When these were completed, as far as my materials then extended, I proceeded with the restored Saxon line, and went, as before stated, to the death of King John; to which I have since added all I could find of real worth under the reign of Henry III.

In executing this Work, besides the constant endeavour to be as accurate as possible, I paid due attention to the chronological order of the different documents, under each of the above reigns, when I could meet with dates; or when, from facts in the instruments, I was enabled to ascertain them; but as I could not always succeed in this point, and was unwilling to leave any thing to conjecture on such a subject, I threw all the undated papers, the exact times of which I could not ascertain, to the end of the reign to which they respectively belonged; hoping that farther research and a more mature experience in the work, might enable me at some future period to reduce that to certainty, which now appears dubious; and recover the dates of others which, through the omission of some important point, are perplexed and involved, and afford no data, which might serve as a conducting thread to guide me through their intricacies. I have seen enough in the works of others to make me cautious on this head, where undated instruments are referred

to particular years, without (in my opinion) any sufficient warrant.

In forming these Collections I have ever, to the best of my ability, scrupulously attended to the authenticity of the articles I transcribed; and in most cases where authorities, *pro* and *con*, seemed to be pretty nearly balanced, I gave my own voice against an instrument, which probably a better informed mind would have found no difficulty to admit. I thought it, however, best to err on this side; and though I am far from confident that I have made no mistakes on this head, yet I feel the less anxiety, because I know my Collections are all to be examined by his Majesty's Commissioners, who will be able to detect my inaccuracies, and correct my mistakes; yet my confidence in their judgment has at no time induced me to refer any thing to their decision through desire to decline labour, till I had done all in my power to set every thing in the clearest point of view; as I felt very unwilling to add any thing to the weight of those public and important concerns with which they are already sufficiently burthened.

This is a general outline of “the course I have pursued in making a Supplement to Rymer's *Fœdera*,” and which I should think necessary to be constantly kept in view in the further prosecution of this part of the work, as well as in forming the Continuation.

II. I am required to state “how far the result has enabled me to execute the purposes for which I have been employed.”

To those who consider that a work like the present, which, from the peculiarity of its subject, seems to lie beyond the range of ordinary literature and general studies; and which, on this very account, must require both time and labour to bring it within the verge of easy comprehension and regular execution, especially to a person like myself, comparatively unacquainted with forensic and diplomatic pursuits, it will not appear strange that the whole has proceeded slowly, particularly when the plan of proceeding (already specified) is considered, (and I know of none better,) and the peculiar difficulty, which must necessarily attach to all studies of this kind. It must be well known to his

Majesty's Commissioners that in such a work, whole hours must sometimes be wasted in endeavouring to make out a single sentence, ascertain a date, place, &c. or to recover a few almost obliterated signatures.

In addition to these I have laboured under some peculiar difficulties(25) * * * * *

Notwithstanding these discouragements, delays, and vexations, I have ransacked the whole of the Cotton Library, the *Apographa* of the *Chartæ Antiquæ*, and a few things in the Harleian Collection; and have selected and transcribed about 340 instruments under the reigns of William I. William II. Henry I. Stephen, Henry II. Richard I. John, and Henry III. About 300 of these fairly transcribed by Mr. Holbrooke, I have already had the honour of laying before his Majesty's Commissioners, independently of the two quarto volumes, containing extracts from the Clause Rolls, with some other curious particulars, which, though falling under one part of Mr. Harley's plan, do not bear the general complexion of the *Fœdera*. For making these extracts I have already had the honour of laying my reasons before his Majesty's Commissioners.

Besides what has been executed, a good deal of preparation is made for further progress. The Harleian Collection, by means of the Catalogue just now finished, will, when the Index is completed, be much more easily accessible than before; I have already begun to mark some additional articles, to be extracted from that source, under the reigns already passed through. I have also made considerable progress in examining our ancient historians and annalists, marking every thing for extraction, that may tend to complete the plan of the *Fœdera*, and fulfil the intentions of his Majesty's Commissioners; so that I hope I may say much work is prepared, and the articles ascer-

(25) [One of the greatest impediments to the commencement and prosecution of the new edition of the *Fœdera* has been the difficulty of finding persons competent to the undertaking. Mr. Lysons (*MS. Letter, January, 1807,*) and other antiquaries appear to have declined all the offers made by the Commissioners, and several years elapsed, after the intention of the Commissioners became public, before Dr. Adam Clarke proffered his services.]

tained, which is no small matter in an undertaking of this complexion.

My opinion of the articles already selected will be seen in the choice I have made; of their worth, his Majesty's Commissioners must judge. I am only sorry that several of them are not of more importance, but they are the best I could possibly obtain under the times to which they refer.

III. I am desired to "point out the principle and mode according to which Rymer's original work has been executed, as to selection of articles, original sources, &c."

On the nature and plan of the *Fœdera*, I have already spoken pretty much at large in my Essay, in which I have given, 1stly. A history of its origin and progress. 2dly. Examined the comparative merits of the editions through which it has passed; and, 3dly. Considered the materials of which it is composed, and how far they accord with the original design, &c. &c. And in my Report (May 13, 1809,) (26), I entered more particularly into this subject, in answer to the question of the Right Honourable the Commissioners, "What is the plan on which Mr. Rymer's work is formed?" But as the present question relates to the principle and mode according to which this great work was constructed, the selection of articles, original sources, &c. it requires a more distinct answer.

The plan was Mr. Harley's, and it appears to be this:—an earnest desire to preserve our invaluable State Records, which he knew must perish in the lapse of time, if not prevented by means of the press: hence he proposed "to print at the public expense, all the leagues, treaties, alliances, capitulations and confederacies, which had at any time been made between the crown of England and other kingdoms, princes and states; intermixed with such instruments and papers of state, as either more immediately related to them (the leagues, &c.) or were curious and useful in illustrating English history."

The obvious importance of this measure recommended itself to general approbation; and the utility of it, as far as it has been

(26) [Printed as the Second Report on Rymer's *Fœdera*—*Reports from Commissioners on the Public Records*, vol. i. pp. 124—130.]

executed, has been acknowledged not only by the British nation, but by all Europe.

On this part of the subject it may be just necessary to make two observations.

1. That it was Mr. Harley's wish that all instruments of the above description should be collected and published. That Rymer passed by many, the present collections prove; and it was to complete Mr. Harley's plan, and to make up all deficiencies, that his Majesty's Commissioners on the Public Records of the Kingdom, have proposed a Supplement to what is published, and that all such instruments may be inserted; and also a Continuation formed on the same plan, to extend to the accession of his present Majesty;—this point of time to which it should be brought down, was agreed on by the Right Honourable the Commissioners at their meeting, in the British Museum, on May 25, 1809, at which I had the honour to be present.

2. That Mr. Harley wished to have all such instruments published that had been made at any time between the Crown of England &c.;—from which it is evident that he fixed no particular æra at which the work should commence; being desirous to collect from even the remotest period of our political being, or at least from the establishment of British monarchy, every authentic Document relative to the subjects in question. From this principle Mr. Rymer greatly departed, in beginning the work with the accession of Henry I. A. D. 1101, when he might have carried it much further back; and leaving behind many important instruments in the same sources from which he had derived others.

What these sources are, I am next desired to state.

When I entered first on the work, had this question been proposed, it would have excited my surprise; because, not having minutely examined Mr. Rymer's work, I should have quoted a passage from the title page as a satisfactory answer—“Ex autographis, infra secretiones Archivorum Regiorum Thesaurarias;” and should this answer not have appeared sufficiently explicit, I should have referred to another paragraph in the title-page of the second edition, repeated also in the third—“Ad

originales Chartas in Turri Londinensi denuo summa fide collata et emendata." From such information as this, could any stranger to the subject of the composition of the *Fœdera* have thought of seeking any where but in the Tower for the originals of the Leagues, Conventions, &c. in Mr. Rymer's Work? For though the *Archiva Regia* might be extended to the Chapter-house, Westminster, the Rolls Chapel, &c. yet the words in *Turri Londinensi*, to which they are all ultimately referred, would appear to explain and restrict the meaning to one general depository, the Tower of London. Hence it would be natural to conclude Messrs. Rymer and Sanderson found all their Autographs in the Tower; or those Autographs were deposited there when those gentlemen had transcribed them, as might appear at first sight, from the testimony of Mr. Holmes in the second edition. The whole secret of this business, as it refers to Mr. Holmes(27), appears to be this, that those Documents in the first twelve volumes of the *Fœdera*, (for he does not appear to have carried his collations farther,) which were taken from the originals in the Tower, he re-collated with those originals, and corrected many errors; but as to the vast number drawn from other sources, he neither collated them, nor knew, probably, where to find the originals. I may add, at least, my fear that, from the imperfect references, which frequently occur in the *Fœdera*, neither the place, nor the originals, of some articles will ever be found.

Mr. Rymer's sources appear to be of three descriptions, one well-known, one but lately known, and the third utterly unknown. I speak now in reference to myself, others may be much better informed on the subject. The first includes the Tower and other public offices; and to the instruments derived from these, there is, in general, very explicit and satisfactory reference in the margin of the *Fœdera*. The second includes the printed works of some of our most ancient historians and annalists. Documents from this source stand in the *Fœdera*

(27) [See what is said of Mr. Holmes, *ante*, p. 96.]

without any reference whatever; several of these I hope I have sufficiently identified in my Supplementary Report, submitted to his Majesty's Commissioners, January 31, 1810.(28) The third source is to me unknown as yet; and to this unknown source I refer the principal part of the instruments which stand in the *Fœdera* with this marginal reference only—*ex autographo—ex originali*—with some others where the references are not explicit. Some of these were probably his own private property; some in the collections of his friends, whom he did not think proper to name; and some, perhaps, were lent to him by persons, who would not be named. But this is mere conjecture, and from it I shall not pretend to draw any conclusion. As these points will continue to occupy a considerable share of my attention in the course of searches and examinations, I do not despair of gaining some light on the subject.

Under the first head of the Report, May 13, 1809, in answer to the question of his Majesty's Commissioners, "What is the plan on which Rymer's work is formed?" I offered an opinion, which I beg permission to qualify, viz. "That Rymer's plan was originally to publish regal and public acts only, and such as he found sealed, or otherwise unequivocally authenticated." Though this might have been his original design, and I am still of this opinion, yet I have, since the writing of the above, found sufficient evidence to prove that he departed from it almost at the commencement of his work, by taking several important articles from Hoveden, Bromton, De Diceto, &c. For the evidence of this fact, I beg leave to refer to the latter part of the Supplementary Report of Jan. 31, 1810, on the Letter of *Vetus de Monte*, and on several other articles.(29) But it is probable that he considered these as regal and public acts, though found beyond the limits of the Royal Archives.

IV. I am to note what preparations I have made in laying up materials for a critical account of the sources from which Mr.

(28) [Printed as the Third Report on Rymer's *Fœdera*.—Reports from Commissioners on Public Records, Vol. i. pp. 130—134.]

(29) [Reports from Commissioners on Public Records, Vol. i. p. 131, &c seq.]

Rymer took the Documents in his work. To this question I can give, I hope, a satisfactory answer in a few words.

I have taken care to preserve all the materials out of which I have constructed the different Reports, which I have had the honour to submit to his Majesty's Commissioners. These materials, in that arrangement and improvement of which they are susceptible, may be formed into a connected history of the *Fœdera*, its origin and progress, sources from whence derived, materials of which it is composed, editions through which it has passed, &c. ; and in conjunction with similar matters, which may be reasonably expected, as the result of further searches, constitute no improper Introduction to the work at large. As something of this kind appears to be in the contemplation of his Majesty's Commissioners, I shall continue to keep it in view as I proceed in the work.

V. I am desired to give an account " of the precise scheme and heads of the work, which is now to be executed."

Perhaps this question relates more to what is to be done by way of Introduction to the work when finished, than to any thing relative to the present plan of proceeding. However, for the satisfaction of his Majesty's Commissioners, I beg leave to state, that I have continued to pay the most punctual attention to the directions with which I was honoured at their meeting holden at the British Museum, May 25, 1809, and to the additional directions transmitted with the queries in October, 1809.

1. Rejecting all ecclesiastical instruments found in Dugdale.
2. All instruments of a private nature.
3. Every thing solely concerning foreign powers, where England is not particularly concerned, keeping the general plan of the *Fœdera* continually in sight.

At the conclusion of the third head of my Report, submitted to his Majesty's Commissioners, May 13, 1809, I took the liberty to propose the expediency and necessity of a new edition of the *Fœdera*, in which the Collections now in hand should be incorporated with the original work, and I endeavoured to support the recommendation by a variety of arguments.

Of this proposal a Committee of his Majesty's Commissioners

were pleased to signify their approbation, at their meeting holden at the British Museum in the same month; though they seemed to contemplate the proposal as a measure rather to be proceeded on at some future time than at the present. The words of the resolution are the following:—

“ The Committee further recommend to the Board, the adoption of Dr. Clarke’s suggestion of a new edition of the whole work, consolidating the original with the Supplement and Continuation, in framing of which the Committee think it probable the bulk of the work may be reduced without impairing its utility, by omitting such documents as shall appear upon revision to be unimportant, or the repetitions of documents of the same description, without any material variations, or any sufficient reason for the repetitions.”

Emboldened by this recommendation, and fully convinced by my subsequent experience, that the *Fædera* stands in need of a thorough revision, I once more beg leave to press the present adoption of the measure on his Majesty’s Commissioners, as the only one that is likely fully to meet their wishes, and be ultimately creditable to the undertaking.

The *Fædera* is completely out of print, and out of the market, so that a copy can scarcely be procured for any money. But were this not the case, there are motives sufficient to justify the measure; as under the direction of his Majesty’s Commissioners the work can now be made much more perfect, accurate and useful, than it ever was before, even in its amended edition.

A new edition will at once cut every knot, and prevent a hundred embarrassments. The work may be revised, castigated and modelled according to the judgment of the Commissioners; and suppose even a new Arrangement be not deemed necessary, which I now think, for several reasons, may be dispensed with, copious Indexes to the whole (not to separate volumes as in the old editions) may be so constructed as to supply every defect of that kind. This plan being adopted, the work will proceed with greater certainty, regularity, and dispatch; every day will be preparing direct work for the printer; and in a reasonable time the collating, selections, and printing may go on hand in hand.

Then the Continuation will come in as an integral part of the work, the Supplement be absorbed in the improvement of the original, and the *Fœdera* be at its standard for ever.

With the utmost deference to his Majesty's Commissioners I repeat the proposal of this plan as the result of my maturest thoughts and experience on this subject. I have turned it into every possible point of view; I have endeavoured to weigh dispassionately the reasons *pro* and *con*, and to me the balance appears to preponderate greatly in favour of a general and thorough revisal of the work in a new edition.

From the manner in which the necessity of this measure has for some time past struck me, and particularly since I collated some parts of the work with our ancient historians, the result of which I have already had the honour to lay before the Commissioners, I should not feel justified in my own mind, as fulfilling the duty I owed to the trust reposed in me, were I to repress the present recommendation; for which, if in the judgment of the Right Honourable the Commissioners I have stepped out of my place, I shall, after craving their indulgence, only excuse it by the concern I feel for the accomplishment and perfection of the work.

I now look up to their decision—it shall be law to me; and for ever lay the question at rest.

March 15th, 1810.

A. CLARKE.

[The Reports of the Proceedings in collecting materials for the new edition of the *Fœdera*, dated subsequent to March, 1811, are extremely brief and uninteresting. They furnish no passage proper for insertion in this place, unless it be the following:—]

As it appeared that a number of particulars are entered on the Patent Rolls respecting *Magna Carta* and the *Carta de Foresta*, it was thus thought something like a series of instruments might be brought to light, which would prove interesting in this very important part of our Ancient History and Constitution. After a diligent examination, a complete series was collected and transcribed, and it is hoped it will appear to his

Majesty's Commissioners that the insertion of these, with the Charters themselves, will form an interesting and consecutive history of that turbulent period; and that on this subject the new edition of the *Fœdera* may be consulted with such a degree of satisfaction as the former editions could not afford, owing to the scantiness of their materials relative to that important event.

The Sub-Commissioners had, with great anxiety, waited for copies of the ancient Royal Letters and Mandates, which had been discovered in the White Tower. An Index had been previously furnished of a great number, and from this, which had been drawn up with great care and industry, those had been selected, which seemed the most valuable and best calculated for the work. But when the transcripts were collated with the originals, it was found that very few could with propriety be incorporated with the instruments already selected for the *Fœdera*. They relate in general to matters of a private nature, the greater part are undated, and many are very imperfect. Some few, however, have been taken, which are really curious, and among these an ancient homage from William II. King of Scotts, to King John, of which no mention is found, and of the authority of which it is conceived there can be no reasonable doubt, as it possesses all those marks of genuineness for which the Scottish Historians themselves contend.

During the last year several of the originals of those papers, inserted in the *Fœdera* without references to the places whence taken, have been discovered, and referred in the new edition to their proper repositories; and not less than 100 new instruments have been added to the materials for the first volume; an addition by which the work will be greatly enriched. When the wide dispersion of our materials is considered, and the continual dependence on accident for many valuable discoveries, it will, it is trusted, appear that no pains have been spared to render the work as complete as possible, and that the unavoidable delays, so often deplored, have been ultimately improved to the advantage of the work.

Collections for the work, and the preparation of these collec-

tions for the press, go on without interruption at the Museum, the Tower, Rolls Chapel, State Paper Office, and the Chapter House, Westminster. Nearly the whole of the Papal Bulls during the period embraced by the second volume of the *Fædera* have been collated at the Chapter House, and, from the great mass of materials already prepared, there is every reason to believe, that no delay can ever be occasioned from this quarter. And if the Printing Office can proceed regularly, no doubt can be entertained of two sheets, at least, being completed every week.(30)

(30) [The Report from which the foregoing extract is taken, is dated March, 1814.]

SECOND SUPPLEMENTAL NOTE.

[*Objections brought against the New Edition of the Fædera.*]

[THE new edition of the *Fædera* has been subjected to more censure than any other publication of the Record Commissions. The following are the principal objections, which have been urged against the work and the manner of its execution.

1. "That it is not a publication of documents, which the world had never yet seen, but in great part a reprint of what had been known throughout Europe for more than a century."
2. "That many documents have been printed from the Scotch Rolls, which had been already published (*the Rotuli Scoticæ*)."
3. "That many documents printed in the *Fædera* have at no very distant period been printed twice, in some few instances oftener, at the public expense."
4. "That in the five first volumes the proportion of new matter to the old is not one-fifth."
5. "That although in the last volume, that has appeared, the proportion of new matter to the old is one-third, yet all such new matter has been taken from the Tower,(31) and is by no

(31) [It will be seen from a subsequent part of this compilation, that vast numbers of inedited documents at the Rolls Chapel, Chapter House, State Paper Office, &c. have been transcribed for the future volumes of the new *Fædera*.]

means so important as many articles, that may be found there, or in other repositories."

6. "That there consequently has been great want of care and judgment in selecting the new matter; and immense numbers of important documents are omitted."(32)

7. "That it has been ascertained that some of the documents reprinted in the first volume never were collated with the originals; the errors of the old editions having in innumerable cases been retained."—See *Westminster Review*, vol. x. pp. 406, 407; *Nicolas, Observations on the State of Historical Literature*, pp. 89—97.]

* * * * *

[It is asserted by Mr. Bayley, that the whole of the documents subsequent to vol. i. part ii. p. 576, (A.D. 1280,) were carefully compared with the originals. "The whole," says this gentleman, "of the first part of the first volume, to the best of my knowledge, was reprinted without proper collation: certainly "the Records in the Tower, whence nine-tenths of the documents are taken, were not referred to, and that portion of the work from its beginning to the end is crowded with errors "and defects, independent of the misplacing of many instruments as to dates, and the total omission of abundance of "others of great historical importance, which should have been "introduced, especially respecting Ireland, which seems to have "been wholly neglected by Rymer and those who have followed "him. I consider that this portion of the work should therefore be cancelled and reconstructed, with the addition of the "vast abundance of important documents, which have been "omitted."

Mr. Bayley adds, "my duties of regularly collating the printed sheets with the originals, and supplying new matter, commenced in the second part, at about the year 1280; but upon some examination of the preceding sheets of that part, I do not think it necessary to cancel any portion of it. There are errors in those pages, and many important documents are

(32) [See Third Supplemental Note.]

" omitted, which ought to have been inserted, but these defects
" may be fully remedied by printing a few sheets of *Errata* and
" *Omissa*, without incurring further expense."

It is remarkable, however, that the *Exemplar litterarum Angliæ procerum, in Parlamento apud Lincoln' convenientium, in quibus respondent litteris papalibus regnum Scotiæ tangentibus,* &c.(33) is dated A.D. 1301, and occurs vol. i. part ii. p. 926.]

* * * * *

[Five parts of the new edition of the *Fœdera* have been published, and 172 pages of the sixth part, (vol. iii. part ii.) had been printed, when the further prosecution of the work was suspended by the order of the present Commissioners on the Public Records. The last printed page carries down the series of instruments to the 6th year of the reign of Richard II. (A.D. 1383.)]

* * * * *

[Inquiry has been made, what information is to be found in the Manuscript Reports to the Record Board, respecting the probable bulk of the new edition of the *Fœdera*. The compiler has discovered only the two following passages connected with this subject. " Thus it appears that in consequence of the small but very legible type used, all the matter of the original edition, together with the supplementary matter, will be comprised in about one-half of the ancient compass. This will no doubt be considered as an object of no mean importance, especially as the edition now publishing far surpasses in typographical beauty all the preceding editions, both English and Foreign, to say nothing of the great pains, which have been taken to render it every way more valuable in point of accuracy."

* * * * *

" Calculations have been formed, within what compass of volumes this work can be contained, for the period to which

(33) [The non-collation of this document has drawn upon the Editors of the new edition of the *Fœdera*, the unanswered charge of a most " culpable carelessness." See *Nicolas, Observations on the State of Historical Literature*, p. 91.]

the Tower Records extend, namely, the reign of Richard III. and it appears there is reason to believe it may be comprehended within the quantity of nine volumes or parts, in addition to those already printed."

The first extract is taken from a Report dated March, 1815; the last is taken from a Report dated June, 1829, and has been printed. See *Sessional Papers, House of Commons—Record Commission*, 12th June, 1829—and *Nicolas, Observations on State of Historical Literature*, pp. 95. 97.]

* * * * *

[It has been suggested to the present Commissioners, that part ii. of vol. iii. should be completed upon the present plan; it being calculated that it will comprehend all the remaining instruments of the reign of Richard II. and the commencement of a new dynasty, presenting a fit opportunity for an alteration in the scheme of the work.

* * * * *

With respect to the published volumes, it was once intended to reprint part i., and a small portion of part ii. vol. i. upon the supposition that all the documents in the succeeding pages had been carefully collated with the originals.

* * * * *

All idea of continuing the new edition of the *Fœdera* upon the present scale has long ago been abandoned: and the collection of inedited materials is so vast, that a considerable time must elapse before the Commissioners can come to any satisfactory determination respecting a Supplement, or a Continuation. It is probable, that their attention will for the present be confined to correcting the errors and supplying the defects of such parts of the work as are already in the hands of the public.]



THIRD SUPPLEMENTAL NOTE.

[*Omissions in the New Edition of Rymer's Fædera.*]

[Upon the subject of the omissions in the new edition of the *Fædera*, mentioned in the foregoing Supplemental Note, Sir W. Betham has remarked, in a recent publication,]

"Neither can a good reason be discovered why, in the printed *Fædera*, a majority of the entries on the early rolls in the Tower, particularly those respecting Ireland, are omitted. (34) Many Irish articles are inserted, otherwise we might suppose it had been intended to form a series of volumes, respecting Ireland especially and particularly, which would have been an object well worthy the consideration of the Record Commissioners; but, as the case now stands, it would be better to print, in supplemental volumes, all the omitted entries, whatever may be their subject matter, as they are of fully equal value and interest with those printed. This has been demonstrated by Mr. Bayley, the able and intelligent deputy-keeper of the Records in the Tower, who printed the omissions of the sixth year of John, and they alone amount to nine pages of folio. (35) The latter volumes are more complete, and the principle of exclusion of Irish documents has not been carried to such an extent, but many are omitted. Why should there be any omissions? Every state paper, charter, or letter, has its historical interest and value, and the *Fædera* is imperfect and comparatively useless, without the complete body of documents. They consist, in part, of instructions to officers, charges against them, and their defences; in such cases, it is not sufficient to give one, or two, articles of a series as a specimen, the whole ought to appear; examples of what the records consist, are not wanted; as evidence and materials of history they are alone valuable, and one may say, in that respect, they are inestimable. When we consider the character, learning, and liberality of the individuals,

(34) [Mr. Bayley not long since stated to a Committee of the Commissioners, that in the early part of the work almost every part relating to Ireland has been omitted.]

(35) [See next page.]

under whose controul, direction, and management the new *Fœdera* is now compiled, it is, indeed, difficult to account for the omission of those important articles; and it is much to be regretted, as motives of national hostility, contempt, and jealousy are always ascribed, by a sensitive people, when no other rational, or sufficient, cause can be ascribed for so extraordinary an omission. (36)

[Mr. Bayley stated to the Committee mentioned in the note in the preceding page, that in the early portion of the new edition of the *Fœdera* “so much generally is omitted, that in one year of King John he added nine documents to one, i. e. increased its bulk 900 per cent.” The printed omissions, to which Sir W. Betham alludes, testify the accuracy of this statement. Of these *Omissa* it may be useful to give a list.—They are as follows.]

Fœdera, Litteræ, et Acta publica, Anno 6º Johannis, A.D. 1204.

Rex concessit Roberto de Veteri Ponte, Westmereland, ad se sustentandum in servicio suo.

Rex concessit Lewellino principi Northwalliæ, in maritagium cum Johannâ filiâ suâ, castrum de Ellesmara.

De magistris & marinariis providendis pro galeis Regis, & quod habeant medietatem lucrorum, quæ facient super inimicos Regis.

De veniendo ad Regem, cum equis & armis.

De veniendo ad Regem, ad tractandum super negotiis regni.

De veniendo in servitium Regis.

Nomina obsidum pro Johanne de Curcy.

Nomina obsidum pro Savar' de Malo Leone.

De vino usque Northampton' mittendo, quia Rex barones & milites ibi convocari fecit.

De eodem, & de mittendo ad Regem “ Romancium de Historiâ Angliæ.”

De protectione pro mercatoribus Flandriæ, & aliis mercatoribus forinsecis, in Angliam venientibus.

(36) [Sir W. Betham, *Dignities Feudal and Parliamentary*, vol. i. pp. 226—228.]

Quod flectcharius Regis non recedet à curiâ suâ sine licentiâ, &c.

De fine quem illi de Devoniâ fecerant cum Rege, pro comitatu illo deaforestando.

De mutuo mille marcarum per Willielmum Briwerr' pro redemptions filii sui.

De pecuniâ liberandâ Willielmo Briwerr', pro redemptions filii sui.

Quod mercatores Portugaliæ & Hispaniæ veniant in Angliam, & negocientur cum mercandisis suis.

De salvo conductu pro Lewelino principe Northwalliæ.

De alio conductu pro Wennonwen.

Pro episcopo Cicestrensi, de potestate revocandi omnia alienata ab episcopatu suo.

De abbatiâ de Bello Loco, in Novâ Forestâ, fundandâ.

Littera de conductu pro Wenunwin de Kevelloc, & aliis Wallensibus in veniendo ad Regem.

Pro Rege Conaciæ.

De castello apud Dublin' fundando.

De civitate Lunenens' in manum Regis capiendâ.

Pro Danenaldo Huffel, de cantredis quos tenet in Hiberniâ.

De summoniendo Joh' de Curcy, ad faciendum servitium suum.

Baronibus de Ultoniâ, de eodem Johanne.

Litteræ gratiarum pro bono servicio baronum de Lagen', & aliorum Hibernicorum.

De civitate Cicestrensi claudendâ.

Pro Willielmo de Burgo, de terris suis in Hiberniâ liberandis.

De salvo conductu pro Johanne de Curcy.

Manerium de Gyhteslepe, in comitatu Oxon', in quo beatus Rex Edwardus natus fuit, confirmatur ecclesiæ Westm'.

De capiendo civitatem Limeric' in manum Regis, &c.

Quod brevia justiciarii Hiberniæ currant, per totam terram Hiberniæ.

De proclamatione faciendâ de denariis retensis.

De veniendo cum galeis Regis in servicium Regis.

De jocalibus Regis receptis apud Reding'.

Quod homines de Colon' salvo veniant in Angliam.

De galeis Regis.

Quod mercatores de Baion' salvo veniant in Angliam.

De assisâ monetæ justè & rigidè custodiendâ.

De intendendo S. de Malo Leon', tanquam senescallo Pictaviæ, donec R. de Turnham liberatur à prisonâ.

Quod nulla navis, &c. recedat à portu, sine licentia Regis.

De exhibendo canonicam obedientiam archiepiscopo Ebora-censi.

Rex concedit R. comiti Cestriæ, omnes terras, &c. G. comitis Britanniæ, in Richmondesir'.

De jocalibus Regis receptis apud Oxoniam.

Carta pro hominibus Burdegaliæ.

De * * * * —assum est, quod in quolibet portu Angliæ, elegantur sex vel vii. vel plures de sapientioribus & legalioribus, & ditioribus & valentioribus, hominibus portus, & unus miles, & unus clericus, ad hanc partem mercandiarum, recipiendam & colligendam, ad opus nostrum, & ad hanc assisam capitula observandam, &c. &c.

[*Acta Regia Hibernica.*]

[Amongst the numerous manuscript volumes compiled in English by Mr. Lodge, for forty years Deputy Keeper of the Rolls, and of the Records in the Birmingham Tower, and purchased of his representatives by the government of Ireland, (August, 1783,) is a collection of State Papers. (See *Reports from Commissioners on Public Records, Ireland*, vol. i. p. 400, and *Reports from Commissioners on Public Records, England*. vol. i. p. 305.) This collection suggested to Mr. Mason, the Secretary of the late Irish Record Commission, the scheme of the *Acta Regia Hibernica.*]

“ On the subject (says Mr. Mason) of State Papers, and the expediency of publishing any selection of them from among the Records of Ireland, similar to Rymer's *Fœdera*, it is necessary to observe, that the attention of the English Record Commissioners has been lately directed to a new edition of that great national work ; that their plan seems to include materials

found in Ireland ; and that, in pursuance of this intention, the learned gentleman, to whom the execution of it had been committed, has recently visited this country in a view of collecting such."

"Although the intended new edition of the *Fædera* will doubtless be a copious and splendid collection of historical documents, yet, when it is considered that the original edition of that work does not come lower in date than the beginning of the reign of Charles II., and that most of the materials for such a work in this country are to be found among the Records of the seventeenth century ; it will not, I trust, be considered presumptuous in the individual who offers this opinion, or disrespectful towards the English Commission, to suggest, with great deference, that a Collection on the plan of the *Acta Regia*, a work that has received the marked approbation of the learned editor of the *Fædera*, might be usefully framed under the authority of this Board, as soon as some progress shall have been made in the Calendars and Repertories to the Plea, Patent, and Memoranda Rolls, and that the arrangement of the State Papers, and of the Records in the Rolls and Auditor General's Offices, shall have been completed."

"I have been led in some measure to these suggestions, by a review and consideration of the labours of the indefatigable Mr. Lodge, among whose volumes I find a commencement of an *Acta Regia Hibernica*. But in thus freely submitting them to the consideration of the Board, I would by no means wish to be understood to convey any suggestion at variance with those opinions, which have been given on the subject by the learned editor of Rymer, or in any degree opposite to the intentions of the English Board of Public Records, to whose patriotic and indefatigable exertions Great Britain is not alone indebted, but also this part of the United Kingdom highly so, for the participation of a measure calculated to bequeath to the whole empire such permanent and essential benefits." (37)

[Considerable progress appears to have been made in the

(37) [See Reports from the Commissioners on the Public Records of Ireland, vol. i. p. 415.]

transcription, for this compilation, of documents, "taken principally from the most ancient Records, and containing, among other matters, articles of agreement, and treaties with the chieftains of the Irish Septs; documents relating to the dissolution of religious houses; and a collection of charters of incorporation to cities, towns, and other public bodies." No part of this compilation appears to have been printed, except the portion entitled *Chartæ, Privilegia, et Immunitates*. (See *ante*, Part I. p. 311.) See *Reports from the Commissioners on the Public Records of Ireland*, vol. i. p. 553, vol. ii. pp. 4. 41. 58. 640. 643, vol. iii. p. 24. See also the 16th, 17th, 18th, and 19th Reports from the same Commissioners.]

CHAPTER XXIII.

MATERIALS FOR THE HISTORY OF BRITAIN.

OUTLINE OF A PLAN FOR COLLECTING AND PUBLISHING THE MATERIALS FOR THE HISTORY OF BRITAIN, FROM THE EARLIEST TIMES TO THE END OF THE FIFTEENTH CENTURY.

[*From Manuscript Collection.*]

THE confused, imperfect, and unsatisfactory manner in which the materials for the History of Britain, during the early and middle ages, have hitherto been published, has long given occasion to severe reproaches on our want of national feeling towards that branch of ancient literature, in which our superiority over our neighbours can hardly be disputed. On the continent, Italy, Denmark, and, above all, France, have spared neither labour nor expense in collecting, arranging, and publishing connected series of their historical documents; while in Britain, with the exception of the *Fœdera*, *Doomsday Book*, the Parliament Rolls, and some other valuable recent publications by the Record Commission, this pursuit has been wholly abandoned to the commendable, but insulated, efforts of a few spirited individuals, and the occasional encouragement of booksellers. These efforts and this encouragement have, at various times between the latter part of the sixteenth and the middle of the eighteenth centuries, produced about twenty volumes in folio, and about thirty others, mostly in 8vo., containing chiefly contemporaneous Chronicles, Histories, and Lives, which comprise the greater part of the most valuable materials for the His-

tory of Britain, from the earliest period to the close of the fifteenth century. But as these volumes were edited by persons, who had neither connexion with each other, nor any common plan, they have in general been both inefficiently and carelessly executed. For the several editors, intent only on making public such MSS. as came to their hands, or fell in with their respective designs, frequently neglected to compare their own copies with those already printed, in order to ascertain the necessity for their projected volumes, and, from want of attention, even sometimes repeated the same matter in the same collection. Thus, to notice the latter case only, in Saville's collection, *Scriptores post Bedam*, a very considerable portion of Henry of Huntingdon's Chronicle is repeated exactly in that of Roger Hoveden, which immediately follows it; and in Camden's *Anglica, Normannica, &c.* the *Hypodigma Neustriæ*, from the accession of Edward I., is, with very few variations, an abridgment of Walsingham's larger work, in the same volume. From this cause arose repetition on repetition, increasing to an incredible degree the labour of consulting the original sources of information, as well as the difficulty of ascertaining the probable credibility of the several narratives. Another deficiency arises from the neglect of comparing different MSS.; sometimes, indeed, even those Chronicles, which have been collated with MSS. have been printed from bad copies. The chronology, also, in our early writers, is often very involved. Some chroniclers begin the year at Christmas, some at Lady-day, &c.; and some compilers, following the practice of their several originals, begin the year at various periods in different parts of their collections. This occasions a degree of confusion, which it is not easy at all times to rectify, but towards which, it is believed, hitherto no attempt has been made. To these

is to be added the want of notes, complete indexes, and glossaries.

The remedies for these defects, or inconveniences, would apparently be found in a plan similar to that pursued by the Benedictines, in their noble work the *Recueil des Historiens des Gaules et de la France*, that is, by comparing all the ancient evidences, printed, or MS., domestic, or foreign, which relate to Britain; by separating the genuine from the spurious, or interpolated, copies, the original writers from their abbreviators, or transcribers; and by arranging the whole, thus traced upwards as much as possible to contemporaneous testimony, in chronological order; adding brief notes, critical and explanatory, complete indexes, and glossaries.

In carrying this plan into execution, the twenty folio and thirty other volumes already mentioned would probably be compressed into about twelve volumes in folio. But besides these volumes, there is a large mass of original and important matter still unpublished. The MS. articles of the above-mentioned classes already examined, many of which are highly valuable, amount to nearly a thousand, and others may probably yet be discovered. Many of these are very brief, many are abridgments, or transcripts, of those already printed, or of each other; and by far the larger number is composed of compilations, of which, generally, the conclusion only is of any value. To what extent these materials might run it is impossible to ascertain; but as an approximation, they may be supposed equal to six volumes in folio.

It will be apparent, from the above statement, that the labour and expense necessary to carry into execution a plan of such magnitude, must far exceed the means of any one person; and that from the length of time it would require, not even the encouragement of an association of individuals, however zealous and liberally disposed, could

insure that permanent support without which it could not be attempted; and consequently that the only mode likely to afford such support would be found in the aid of Parliament.

The expense attending this design may be considered under two principal heads; one for paper and printing; the other for the remuneration of editors, transcribers, &c. The extent of the first may be nearly ascertained: a folio volume of a thousand pages would probably cost about 1000*l.* for an edition of 500 copies: that of the second is at present very uncertain, as, amongst other circumstances, it must be in a great degree regulated by the number and qualifications of the persons employed. But there is reason to suppose that this need never exceed 1000*l.* per annum. It may be added that the whole of these sums would not be required for some time after the plan should be settled, as the printer's bill would not be payable until a volume, at least, should be ready for sale. It is also further to be remarked, that the most sanguine expectation would hardly contemplate the publication of more than one volume in a year, so that, at the utmost, the sum required within any one year could not in the whole exceed 2000*l.*; and should the work prove saleable, even that sum would be proportionably diminished. The application of the money, and the progress of the work, would of course be to be placed under such superintendence as Parliament might direct.

SKETCH OF A PLAN FOR COLLECTING, ARRANGING, AND PUBLISHING THE MATERIALS FOR THE HISTORY OF BRITAIN FROM THE EARLIEST TIMES TO THE ACCESSION OF HENRY VIII.

The proposed materials for the historical collections relating to Britain, are to be gathered from—I. Greek and Roman writers. Roman inscriptions, &c. II. General Histories, Chronicles, or Annals, &c. domestic, or foreign.

III. Histories of particular Monasteries, &c. IV. Lives.
V. Miracles of Saints. VI. Letters. VII. Charters,
Wills, Writs, &c. VIII. Laws. IX. Coins. X. Seals.

I. *Greek and Roman Writers, &c.*

All notices concerning Britain should be extracted from the Historians, Panegyrists, Geographers, Poets, &c.; and inscriptions found on marbles, containing names of places, or of offices, &c., together with at least the legends of Roman coins connected with Britain, should be collected; and perhaps to these might be added a list of the different Roman coins found in Britain.

II. *General Histories, &c.*

This class consists of, 1st. Original matter; that is to say, of such pieces as were written either by authors contemporary with the events described, or nearly so; or of such as are known to have been composed in later times; but, their materials not being now traceable to earlier authorities, they may be considered as belonging to the same division. 2dly, Of mixed matter, or pieces partly original, partly compiled from sources still extant. And 3dly, Of mere compilation, where former writers are transcribed, abridged by extract, or abridged by compression and reformation of style, without the addition of either fact, or observation.

The original matter, or first division of our writers of this class, should be retained entire, (1) or, at most, with the omission of mere declamation, or of tales confessedly fabulous and useless. From foreign authors a selection of all notices relating to Britain should be given.

In the second division, or mixed matter, as the original portion is generally found in continuation of a preceding compilation, the borrowed matter is easily separable from it, and should be omitted. (2) But where it happens to be

(1) Such as *Bede, Hist. Ecclesiast.*; *Eadmer, Historia Novorum*, &c.

(2) *Hoveden (Scriptores post Bedam, Ed. 1596)* may be taken as an example

of small extent, and intricately interwoven with the remainder, or is accompanied by the compiler's observations,(3) or admits of any doubt as to its source(4), it should be retained with a marginal reference to its original, or presumed, original.

The third division, or mere compilation from existing works, should be wholly omitted.

III. *Particular Histories of Monasteries, &c.*

Besides the general description, which applies to the present head in common with that of General Histories (No. II.), this class may be divided into, 1st, such writers as intermix public affairs largely with those of their own society:(5) 2dly, such as relate almost entirely to a particular society, having a large proportion of narrative mixed with its charters,(6) &c.: 3dly, such as consist

of this member. His chronicle, from fol. 230 to fol. 234, is taken from Simeon Dunelm: *De Gestis Regum Anglorum*, (*Scriptores Decem*,) col. 90 to 98, and col. 99 to 119. Then, fol. 234 to 237 b, it is from Henry of Huntingdon (*Scriptores post Bedam*) fol. 195 b to 200. From fol. 238 to 273 b is again from Simeon Dunelm: col. 137 to 245; and from fol. 273 b to 280 b is once more from Henry of Huntingdon, fol. 218 b to 226. Besides the authorities thus far referred to, there are a very few unimportant additions, and also various blunders, especially in the chronology of the remainder, the greater part, extending from the year 1147 to 1192 (fol. 273 to 410), is abridged either from Benedictus Abbas (à Hearne), or from a source common to both writers; but its detail would occupy too much space at present. The rest, from fol. 410 to the end, may be considered original. The greater part of Ethelweard, Florence of Worcester, and Henry of Huntingdon, being chiefly derived from common sources, might seem to fall under this head; but as these portions exhibit independent translations from the Saxon, made whilst it was a living language, they should all be retained.

(3) Much of Malmesbury (*Scriptores post Bedam*) is in this state.

(4) Part of Simeon of Durham (col. 119. A. D. 849. to col. 132), &c. There can be, however, no doubt of the source here, yet the variation of phrase is such as to require that the portion alluded to should be given.

(5) Ingulf (*Gale*, 1.) &c.

(6) Thorne (*X. Scriptores*) *Hist. Ramesiensis* (*Gale* 3), &c.

almost wholly of charters, with only sufficient narrative to connect them: (7) and 4thly, mere chartularies. (8)

The selections from the first three divisions of this class would be regulated by the mode proposed for General Histories (No. II.), subject to discussion as to the extent to which works of this kind ought to be inserted. Perhaps it would be advisable to retain entire all original pieces written before an. 1200, and to give excerpts from those of a later period. The last division, mere Chartularies, would find its place under the head of Charters.

IV. *Lives.*

The general description of No. II., General Histories, applies also to this and the following class, Miracles, as well as the mode of making selections.

To what extent Lives should be admitted into the collection it is extremely difficult to determine. (9) They describe, for the greater part, the actions of ecclesiastics distinguished for sanctity, and, of course, they consist chiefly of circumstances designed to illustrate the character and conduct of the several saints. Many of these Lives, however, are highly valuable, and should certainly be retained entire: (10) but in many others there is so

(7) *Chronicon Abendonie*, MS. Cotton. *Claudius*, c. ix. &c.

(8) *Tertius Roffensis. Heming, Cartularium (a Hearne)*, &c.

(9) Bouquet's basis being a *Recueil des Historiens*, he deemed it advisable to give for the greater part, only extracts from particular Histories, Lives and Miracles, which he classed with Letters and Charters as appendices to his collection, and he used them sparingly, because he considered them as belonging rather to particular than to general history. But the present object being, it is presumed, to collect not merely historians but materials for history, it should seem that the classes here noticed have a just claim to form integral parts of the work.

(10) In some cases, several Lives of an individual occur, composed nearly at the same time, and in a great measure from the same materials, but as they contain also matter of an unknown origin, it would be proper to retain them all. This observation applies especially to the Lives of Dunstan and of Becket.

Sometimes the prose Lives are verified, either by the same author, as Bede's *Life of Cuthbert*, and Alfred Rufus's *Life of Edward the Confessor*; or by a

much impertinence and fable mixed with the narrative as to render it at least extremely doubtful, whether they contain any thing that can be depended on. From some of these perhaps extracts might be given; and such as are decidedly fabulous, and afford no illustration of the manners, or usages, of the time of their authors, should be wholly omitted ; (11) inserting, however, a notice of their contents, and the reason of their rejection.

V. *Miracles.*

The miracles of the Saints often contain much curious and extremely valuable information. But in addition to their almost constitutional absurdity, they are very frequently devoid of all interest; merely relating, in a multitude of words, the supposed miraculous cures of sickness, or infirmities, unattended by any peculiar, or characteristic circumstance. All incidents, which appear likely to afford any illustration of manners, &c. should be excerpted; but mere declamation, or dry recitals of pretended miracles, should be omitted; retaining, perhaps, the titles of such chapters, or sections, as may have been left out.

In making selections from the four preceding classes (General Histories, Particular Histories, Lives and Miracles), it would seem advisable to be less scrupulous during the period anterior to the Conquest, when materials of any kind are comparatively few, than afterwards, when they become much more abundant: and perhaps at all times, the existence of a doubt whether a particular piece ought to be retained, would afford a sufficient ground for admitting it into the collection.

VI. *Letters.*

Ancient letters are often very important; but they also

second person, as *Walstan's versification of Lanfrid's Miracles of St. Swithun.* Here the prose Life should be retained, and any variation in the narrative, which the verse may afford, should be placed at the bottom of the page.

(11) St. Rumwold, St. Edwold, &c. (See *Copgrave, Legenda Nova Anglie.*)

at times run into excessive declamation, without a tangible fact, or an opinion worth preserving.(12) Whenever, therefore, the useful matter bears any kind of proportion to the whole, the letter should be retained entire; otherwise it should be described, and its slight notices extracted. When the letters of any one person are numerous, and can be conveniently kept together, it would be proper so to do: when this is not the case, they should be arranged in a general chronological order.

VII. Charters.

All the Charters, Writs, &c., which occur of a date anterior to the Conquest, whether of kings, or subjects, should be inserted. From that period downwards, to an. 1200, where the Charter Rolls begin, a selection should be made; but apparently this selection should contain a very large proportion of whatever might be discovered of the first half of the twelfth century. The Charters should generally be arranged chronologically: but when any of them occur in a Chronicle, &c., they should be retained in their places, and, where practicable, collated with their originals. Many Charters are suspected of being forged, and it happens not unfrequently that they can be satisfactorily shewn to be so. In many instances, however, the proof of forgery is not complete; and as they are nearly all of high antiquity, it would perhaps be proper to print the whole of them with such elucidation as can be obtained, and thus submit them to the judgment of the world.

VIII. Laws.

The collection of Anglo-Saxon (13) Laws should be

(12) See the *Ecclesiastes of Alcuin*, *Petrus Blesensis* (especially), &c.

(13) [Although the portion of the Anglo-Saxon Laws actually printed (December 1831), consists only of the *Æthelberhtes Domes*, *Hlothhaeres & Eadriges Domes*, and *Wulfrades Domes*; yet the whole collection is very nearly ready for the press.]

The MSS. used are found either in the Bene't Library, Cambridge, the British Museum, or the *Textus Roffensis*. The latter is the only source

revised, and enlarged with whatever similar matter may occur, whether Saxon, or Latin; and the Anglo-Norman

from whence we derive a knowledge of the *Domas* of the Kentish Kings; some of which (the latest precedes the year 725) must of necessity be very obscure, both as respects the subject matter and the language in which they are written. Unfortunately the *Tertius Roffensis* is a MS. of the twelfth century, and though affording an excellent text of the later *Domas*, from Alfred to Canute, the lapse of from four to five centuries has introduced many errors into the enactments of the Kentish kings, which are clearly the results of a transcriber's negligence, and which nothing but the most skilful spirit of criticism can cure. The printed text, however, most scrupulously follows the MS. The texts of Alfred's and Ine's laws* are taken from the same valuable MS. which has supplied us with the first text of the Saxon Chronicle.† The fidelity of the MS. is guaranteed by the uniformity in the orthography, and its freedom from the errors, or evident glosses of obscure phrases, which are to be found in its fellows. In selecting the remaining texts from Alfred to Canute, that MS. which has been considered best, both from its uniformity and accuracy, has been taken as the basis, and the variations of the various MSS. printed beneath. In the Supplement to Edgar's laws, and in the laws of Canute, there is good reason to believe that we possess nearly cotemporary copies.

The notes are chiefly exegetical. Whenever a difficulty has occurred, which it has been supposed an ordinary reader might be at a loss to understand, the editor has subjoined his own view of the meaning. Where no illustration has been found of the many obscurities, which legal enactments, reaching back to the very twilight of our political history, must necessarily present, it has been stated as an exercise for the ability of more able, or more fortunate enquirers. In doubtful cases the same rule has been observed; and no translation has been hazarded of the text, where the editor did not feel at least a moral conviction of his accuracy.

The Glossary contains a list of such words as either could not be rendered by an English synonym, or which were of doubtful, or unknown, import. For this place has been reserved all such remarks as would have given some of the notes the appearance of an excursive commentary, and would have been at variance with the general principle to be observed throughout the *Corpus Historicum*, of confining the Notes to an explanation of difficulties, rather than converting them into historical and philological dissertations.

Lastly, the Preface, which, as preceding in the order of the volume, might have been mentioned first, will contain a summary of the Anglo Law, as it is to be gathered from the various sets of *Domas*, each subject arranged under its respective head, and disposed chronologically.]

* [There is nothing inaccurate in this collocation of these Wessex kings, as we are indebted to the revision and republication of Alfred for the collection bearing the name of Ine.]

† [See post, pp. 156, 157.]

laws should be inserted down to the period when the recent edition of the statutes begins. Wotton's *Leges Walliae* (14) should also be inserted.

IX. Coins.

All the different types, which can be discovered of Coins struck in any part of Britain, together with those generally called British, or Celtic, should be engraved, and their legends printed. To what extent the Anglo-Gallic Coins should be noticed may be questioned.

X. Seals.

All royal Seals, Seals of great officers of the Crown, and of the archbishops, belonging to the whole period embraced by the collection, should be engraved, together with a selection from those of the immediate branches of the royal family, the principal nobility, the bishops, corporations, &c. This selection should be pretty copious to the end of the 12th century: afterwards it may be more contracted.

Arrangement.

The matter thus proposed to be collected should extend from the earliest notices of the island to the death of Henry VII. After being collated with the best MSS. which can be obtained, it should be distributed into periods of one, or more, reigns, and arranged chronologically according to the time when each piece begins; and where it can be done conveniently, according to the order in which it was written. (15) Thus, in a period anterior

(14) [The MSS. exhibit the Welsh Laws in three forms, agreeing in substance, but differing in arrangement and in dialects; that is to say, of North Wales, of South Wales, and of Powys. In Wotton's edition these forms are mixed together; but his scheme being found incompatible with the requisite exactness of collation and translation, as well as confused and unsatisfactory, each form will, in the new edition, be given separately with its respective collations, translation, and notes; and in addition to other new matter, connected with legal proceedings, &c., there will be appended to the collection an ancient Latin translation of the Laws.]

(15) Malmesbury, *De Gestis Regum*, which extends from the year 449 to

to the Conquest, such matter as might be taken from Florence of Worcester would precede that derived from Malmesbury; and Malmesbury's contribution would stand before Henry of Huntingdon's. But when a writer ends during a given period, but does not begin in it, it would perhaps be right to place him in the collection according to such termination. Whenever a period can be selected,

1141, and Matthew Paris, 1066 to 1259, may be taken as examples of the proposed division. Suppose the time from the Incarnation to the year 1272, divided into five periods—1st. to the year 900—2d. to 1066—3d. to 1154—4th. to 1199—and 5th. to 1272. Malmesbury's narrative to the death of Alfred would be found in the first period; from the death of Alfred to the Conquest, in the second; and the remainder would be in the third period, reaching from the Conquest to 1154; Matthew Paris to the death of Stephen would be in the third period; from the death of Stephen to the death of Richard I. would be in the fourth; and the remainder of his history would be found in the fifth.

It has been remarked that this mode of dividing the work of an author is inconvenient, and renders it difficult to consult him. But with very few exceptions it is presumed this difficulty is little more than imaginary; and is no other than that which is felt in turning from the first volume of Clarendon's History of the Rebellion, or of any other work of more than one volume, to the second.

But there is another circumstance to be attended to on this head. By the proposed method of tracing all the various narrations as much as possible to contemporaneous, or original, testimony, the several authors will, in general, embrace but a comparatively short space of time, and, of course, will not often be subject to much subdivision. Thus the most important part of Malmesbury's History, that of his own times, would be included in one period. And as the portion of Matthew Paris, which extends from the year 1066 to 1199 is nearly all compilation from known sources, and that which reaches from 1199 to 1235, as well as the preceding compilation, is the work of Roger Wendover; the whole of Matthew's original work, that is, from the year 1235 to 1259, would also be found in one period.

When, therefore, it is observed, that the mode here proposed affords the means of forming a condensed chronological arrangement of all the matter relating to a given period, so that the work will, at all times, be complete to the end of the period last published;—and farther, that the object of the present collection is not to form a *Corpus Historicorum* but a *Corpus Historie*, not to collect merely authors but historical matter;—it will perhaps appear, that unless others of a more powerful description can be stated, the objection already mentioned must at once give way to the great advantages offered by the proposed chronological arrangement.

which, without too much subdivision of the materials, will admit of their being comprised in a single volume, it should be done ; but without evident necessity, it would seem that the materials for any period should not exceed two volumes.

Each volume should contain a Preface, describing the matter of which it is composed ; and each piece should be preceded by a Notice of its Author, Contents, &c. The text should be accompanied, where necessary, by brief critical notes, which, together with the various readings, should be placed at the foot of the page ; and dates should be supplied, or corrected, as frequently as possible in the margins. Where the text is in Greek, or in any of the Oriental languages, in Irish, Welsh, Saxon, or any of the Northern dialects, it should have a Latin version. Pieces in English, French, or other modern languages of general currency, should be left untranslated. The notes should be in Latin, unless in the cases last mentioned, where it would be proper to give them either wholly in English, or in the language of the several texts. The text should be followed by an index of places—of persons—a general index—and a glossary of barbarous terms. At convenient periods, maps, and where necessary, fac-similes of MSS. should be given.

In addition to its peculiar preface, the first volume should contain a general introduction, describing the various works of a similar nature hitherto published, and the origin, progress, and scope of the present undertaking. The work should be printed in a convenient folio size, similar to that of Bouquet, and each volume, on an average, might contain about a thousand pages.

A List of the principal Ancient Materials for the Historical Collections relating to Britain, Printed, or Manuscript, which have been hitherto examined in the classes of General Histories, Particular Histories, Lives and Miracles; showing the Periods through, or into, which they extend, and in which they will be more, or less, useful; those Pieces which commence from the Creation, or the Incarnation, being noticed only from the time when they begin to have any mention of Britain.

FROM The Creation or Incarna- tion—	TO A.D.	MANUSCRIPTS.	II.	III.	IV.	V.
			1066	1272	1399	1509
	1087	Mariani Scotti Chronica	—	—		
	1135	A Chronicle of the Dukes of Normandy to the death of Henry I. (French verse.)	—	—		
	1138	Historia Angliæ ad primordia Regis Stephani, Autore Ricardo Divisiensi	—	—		
	1141	Breve Chronicum ad an. 1141 . .	—	—		
	1154	Genealogia Regum Anglorum ad Hen. 2.	—	—		
	1163	Chronicon ad ann. 1163 de Rebus Britonum	—	—		
	1171	Chronicon ad an. 1171	—	—		
	1178	Chronicon Radulfi Nigri ad an. 1161, cum Continuatione ad an. 1178 .	—	—		
	1184	Chronicon succinctum ad an. 1184 .	—	—		
	1186	Annales Wintoniensis Monasterii ad an. 1186	—	—		
	1194	Chronicon Radulfi Nigri ad Captio- nem Regis Ricardi I.	—	—		
	1206	Chronicon Monasterii de Bello ad an. 1206	—	—		
	1212	Radulfi Nigri Chronicum succinctum, continuatum ad an. 1212	—	—		
		Annales Abbatiae Sci Edmundi de Burgo ad an. 1212	—	—		
	1216	Romanz de Brute par Maistre Wace	—	—		
		Chronicon Johannis Castoris	—	—		
	1216	Chronicon ad an. 1216	—	—		

FROM The Creation or Incarnation	TO A.D.	MANUSCRIPTS.	II. 1066	III. 1272	IV. 1399	V. 1509
	1235	Flores Historiarum, sive Chronicon ab orbe condito ad an. 1235. Rogerio de Wendover autore.	—	—		
		Chronicon T. Rudburne, Monachi Ecclesiae Wintoniensis	—	—		
	1239	Annales ad an. 1239	—	—		
	1264	Chronicon breve ad an. 1264	—	—		
	1265	Chronicon Johannis de Taxter, Monachi Buriensis	—	—		
	1272	Abbreviationes Chronicorum per Radulfum de Diceto ad an. 1272	—	—		
	1277	Chronicon Wintoniensis Monasterii ad an. 1277	—	—		
	1283	Petri de Ickham Compilatio de Gestis Britonum et Anglorum	—	—		
	1285	Chronica brevis de vetustis Rotulis neglectisque Schedulis ad an. 1280, per quendam Monachum de Waverley	—	—		
	1286	Chronicon Cambriæ ad an. 1286	—	—		
		Chronicon paucorum ad an. 1286	—	—		
	1291	Annales Monasterij de Waverlie ad an. 1291	—	—		
	1295	Chronica Florentii Wigorniensis, cum Continuacione ad an. 24 Edw. I.	—	—		
	1297	Chronicon de Regibus Angliæ, per Galfridum de Broxholme (Gallice)	—	—		
	1298	Liber de Gestis Regum Britonum ad an. 1298	—	—		
	1305	Compilatio, sive Chronicon, de Regno et Gestis Britonum et Anglorum, ad an. 1305	—	—	—	
	1307	Chronicon Johannis Beveri, Monachi Westmonasteriensis, ad an. 1307. Historia Britannica, Gallicis metris, ad an. 1307	—	—	—	
	1308	Chronicon Wigorniense ad an. 1308	—	—		
	1309	Chronicon ad 1309	—	—		
	1313	Polistorie del Eglise de Canterbury ad an. 1313	—	—		
	1314	Chronicon Monasterii de Hales ad an. 1314	—	—		
	1316	Chronicon Gervasii cum Continuacione, ad an. 1316	—	—		
		Annales Ecclesiae Augustini Cantuariorum: desinunt in an. 1316	—	—		

FROM The Creation or Incarna- tion	TO A.D.	MANUSCRIPTS.	II. 1066	III. 1272	IV. 1399	V. 1509
	1323	Matthæi Westmonasteriensis Flores Historiarum, cum Continuatione ad an. 1323	—	—	—	—
	1325	Chronicon Johannis de Londonia Annales ad an. 1325, per Monachum quendam S ⁱ Augustini Cantuariensis	—	—	—	—
	1326	Chronicon Angliæ ad Regem Edwardum tertium Annales ad an. 1326	—	—	—	—
	1327	Petri de Ickham Compilatio de Gestis Britonum ac Anglorum ad an. 1327 Nicholai Triveti Historia usque ad tempus Edw. 3. (Gallice)	—	—	—	—
	1328	Chroniques des Rois d'Angleterre jusqu' à l'an. 1328	—	—	—	—
	1332	Chroniques d'Angleterre jusqu' à l'an 6 Ed. 3.	—	—	—	—
	1333	Chronique d'Angleterre jusqu' au Roi Ed. 3.	—	—	—	—
	1334	Series temporum, sive Chronicon Johannis de Everisden, Monachi Buriensis, ad an. 1334 Chronica de Gente Anglorum ad Ed. 3.	—	—	—	—
	1336	Chronica ad an. 1336	—	—	—	—
	1338	Polycratica temporum Rogeri Cestrensis ad an. 1338	—	—	—	—
	1341	Flores Historiarum, necnon Anonymi Chronicon, ad an. 1341	—	—	—	—
	1346	Historia de Gestis Regum Britannorum et Anglorum ad an. 20 Ed. 3, per quendam Canonicum de Lanercost	—	—	—	—
	1347	Johannis de Tinmouth Historia aurea Chronicon ad an. 1347 Chronica Britanniæ ad an. 1347 Chronicon Angliæ ad Regem Ed. 3. Historiæ aureæ abbreviatæ Johannis Anglii, pars secunda	—	—	—	—
	1350	Ricardi Cicestriae Anglo-Saxonum Chronicon	—	—	—	—
	1361	Chronicon ad an. 1361, in quo Successiones Archiepiscoporum Cantuariensium et Episcoporum Rofensium adnotantur	—	—	—	—

FROM or Date of Creation	TO A.D.	MANUSCRIPTS.	II.	III.	IV.	V.
			1066	1272	1399	1509
	1362	Scala Chronicorum, Autore Thoma Gray, ad an. 1362	—	—	—	—
		Chronicon breve ad an. 1364	—	—	—	—
	1367	Brutus, sive de Gestis Anglorum Historia, ad an. 1367	—	—	—	—
		Eulogium, sive Chronica Anonymi Benedictini, ad an. 1367	—	—	—	—
		Chronicon Angliae ad an. 1367	—	—	—	—
	1377	Ranulfi Higdeni, Monachi Cestrensis, Polychronicon libri 7, ad an. nempe 1376 (7)	—	—	—	—
	1385	Gervasii Cantuariensis Chronicorum, necnon Continuatio ejusdem Chronicorum usque ad tempora Ric. 2, per J. de Londonia	—	—	—	—
	1387	Chroniques d'Angleterre jusqu' au temps du Roi Ed. 2, avec belles peintures; dediées à Ed. 4. t. 1, 2, 3.	—	—	—	—
	1400	Anonymi Chronicorum Angliae ad an. Christi 1400	—	—	—	—
	1417	Capgrave's Chronicle from the Creation to the Assembling of the Council of Basle, A. 1417	—	—	—	—
	1421	Chronica de Kirkstall, a Bruto ad an. 10 Hen. 5.	—	—	—	—
	1422	Chronicon ad Hen. 6.	—	—	—	—
	1427	Chronicon breve ad an. 1427	—	—	—	—
	1430	History of the Kings of Britain, from Brutus to Henry 6.	—	—	—	—
	1436	Historia Angliae a Bruto ad Ed. 3, per Beverum, ab Ed. 3. ad Henricum 8 ^o (6 ^o) per Anonymum	—	—	—	—
	1437	Chronicon Angliae ad A. D. 1437	—	—	—	—
		Chronicon Angliae ad Regem Hen. 6.	—	—	—	—
	1447	Chronicon breve S. Benedicti de Hulmo, A.D. 1294, cum Continuatione ad an. 1447	—	—	—	—
	1450	Chronicon Regum Angliae ad an. 1456	—	—	—	—
	1471	Compilatio de Gestis Britonum et Anglorum ad A.D. 1471	—	—	—	—
		Recueil des Chroniques & anciennes Histories de la grant Bretaigne, à présent nommée Engleterre, par Jehan de Waurin, Seigneur de Forestel	—	—	—	—

FROM A.D.	TO A.D.	MANUSCRIPTS.	II. 1066	III. 1272	IV. 1399	V. 1500
71—1283		Annales Regum Anglie . . .	—	—	—	—
186—1100		Quædam Chronica de Anglia ad an. 1100 . . .	—	—	—	—
231—1193		Annales Beati Edmundi de Burgo ad 1193 . . .	—	—	—	—
430—1120		Vita S ^t . Dubricii, Archiepiscopi Urbis Legionum . . .	—	—	—	—
444— 954		Chronicon Wallie ab an. 444, ut vi- detur, ad an. 954 . . .	—	—	—	—
449—1066		Rich. Chichestre, Monachus Westmo- nasterii, Chronographus . . .	—	—	—	—
1119		Chronicon Simonis Dunelmensis ab an. 449 ad 1119 . . .	—	—	—	—
1269		Chronica de Adventu Anglorum in Britanniam — Item Chronica de Adventu Normannorum in Angliam	—	—	—	—
1272		Chronicon Henrici de Silegrave, de primo Adventu Anglorum in An- gлиam ad Regem Henricum tertium	—	—	—	—
1293		Chronicon Johannis de Oxenedos, Monachi S ^t . Benedicti de Hulmo, ad an. 1293 . . .	—	—	—	—
1298		Bartholomæi de Cotton, Monachi Norwicensis, Historia Anglicana	—	—	—	—
1302		Annales Anglie ad an. 1302 . . .	—	—	—	—
1381		Annales de Gestis Anglorum ad an. 1397 (1381) . . .	—	—	—	—
1388		Annales de Gestis Anglorum ad A.D. 1388 . . .	—	—	—	—
466— 544		Vita B. David, qui et Dewi, Episcopi et Confessoris, per Ricemarchum.	—	—	—	—
469—1512		Chronicon breve ad 1512 . . .	—	—	—	—
490—1100		Vita S ^t . Gundlei, Regis et Confessoris	—	—	—	—
495		Léstoire des Engles, solum Messer Geoffroi Gainar, en vers Francois	—	—	—	—
500— 550		Vita S ^t . Paterni Episcopi . . .	—	—	—	—
	1100	Vita S ^t . Iluti Abbatis . . .	—	—	—	—
520— 570		Caradoci Gildæ sapientis Vita Vita sanctissimi atque doctissimi Viri Gildæ . . .	—	—	—	—
559—1400		Chronicon Regum Anglie ad A.D. 1400 . . .	—	—	—	—
596— 670		Vita Sanctæ Mildritæ Virginis, Sax- onice . . .	—	—	—	—
760		Vita Deo dilectæ Virginis Mildritæ, Autore Goteelino Monacho . . .	—	—	—	—

FROM A.D.	TO A.D.	MANUSCRIPTS.	II. 1066	III. 1272	IV. 1399	V. 1509
596—1523	Chronica brevis ad tempora Hen- rici 8.		—	—	—	—
600—1140	Vita & Miracula S. Erkenwaldi, Lon- doniensis Episcopi		—	—		
601—1066	Sulcardus Monachus, de prima Con- structione Ecclesiae de Westmo- nasterio		—			
633—1150	Vita et Miracula Sanctae Begie Vir- ginis		—	—		
700	Vita Sanctae Sexburgae		—			
634—980	Vita Sancti Birini, Wintoniensis Episcopi		—			
1138	Vita Sancti Eotæ, Hagustaldensis Episcopi		—	—		
1160	Reginaldus Dunelmensis, de Vita et Miraculis Sancti Oswald Regis		—	—		
650—1180	De Vita et Miraculis Oewini, Regis Deiorum		—	—		
675—1216	Liber Charterum Abbatis de Certesia		—	—		
688—1199	Historia Abbatis Abbandunensis		—	—		
1307	Pierre de Langtoft, Croniques d'An- gleterre		—	—	—	
689	Passio Sancti Indracti Martyris, per Gulielmum Malmesburiensem		—			
692—980	Vita Sancti Egwini, Wigorniensis Episcopi		—			
750—1180	Vita Sanctæ Frideswidæ Virginis		—	—		
760—1090	Textus Translationis et Institutionis Monasterii B. Mildrithæ		—	—		
802—900	Sancti Neoti Vita, Saxonice		—			
1066	Vita et Miracula Sancti Swithini Episcopi		—			
1199	Histoire abregée du Royaume d'An- gleterre, depuis Egbert jusqu'à Richard I.		—	—		
819—1066	Vita B. Kenelmi, Regis & Martiris		—			
840—870	Galfridi de Fontibus Historiola de Pueritia S. Edmundi, Regis et Martyris		—			
870—985	Vita et Passio S. Edmundi, Regis Anglorum Orientalium, per Abbo- nem Floriacensem Monachum		—			
1095	Miracula B. Edmundi Regis ab Her- manno Archidiacono scripta, 1070 (1095)		—	—		

FROM A.D.	TO A.D.	MANUSCRIPTS.	II. 1066	III. 1272	IV. 1399	V. 1509
870—1168		Vita S. Edmundi Regis per Osbertum de Clare, Priorem Westmonasterii. an. 1136				
880— 980		Vita S. Birnstani, Episcopi Wintoniensis	—	—		
		Vita S. Alphegi, Episcopi Wintoniensis	—			
900— 970		Vita S. Wulsi, Episcopi	—			
	980	Vita Sanctæ Edburgæ Virginis	—			
	1030	De Constructione Wintoniensis Cœnobii, quod novum nuncupatur	—			
	1170	Historia Ramesiensis Ecclesiae	—	—	—	
925— 988		Vita S. Dunstani, Archiepiscopi Cantuariensis, per Adelardum, Blandensis Cœnobii monachum	—			
		Gulielmi Malmesburiensis, de Vita S. Dunstani Archiepiscopi, libri duo	—			
930—1000		Vita S. Oswaldi, Eboracensis Archiepiscopi	—			
	1100	Vita S. Oswaldi Archiepiscopi, ejusdemque Miracula	—	—		
942—1106		Histoire d'Angleterre par Maistre Wace	—	—		
961—1421		Annales Monasterii de Thorney in Insula Eliensi, ad an. 1421	—	—		
969— 987		Vita S ^t . Swithini, Wintoniensis Episcopi, per Lantfredum, Wintoniensem Monachum, an. 980	—			
		S ^t . Swithuni, Wintoniensis Episcopi, Vita & Miracula, per Wulstanum, Wintoniensem Monachum	—			
975—1001		Passio S ^t . Edwardi, Regis & Martyris, cum Miraculis ejusdem	—			
1000—1020		Miracula S. Edmundi, Regis et Martyris	—			
1002—1226		Mariani Hibernensis Chronicon, una cum altero Chronico Rogeri Hoveden, ubi ille desinit, usque ad Regem Johannem (1226)	—	—		
1008—1242		Vita et Miracula S. Wolstani, Episcopi et Confessoris	—	—		
1010—1066		Vita Edwardi Regis, qui apud Westmonasterium requiescit	—			
	1012	Vita S. Edwardi Regis, per Aluredum Rievallensem, carmine	—			

FROM A.D.	TO A.D.	MANUSCRIPTS.	II. 1066	III. 1272	IV. 1399	V. 1509
1035—1120	Chronica de Rebus Anglicis, ad an. 1120					
	1286 Breve Chronicorum ad an. 1286					
1042—1275	Chronicorum Angliae ad an. 1275, per Hen. Huntingdon					
	1347 Chronica Angliae ad 2 ^m annum Ed- wardi tertii (Gallicè)					
1049—1231	Annales ad A.D. 1231					
1050—1072	De Gestis Herewardi Militis					
1065—1242	Chronica brevissima ad A.D. 1242					
	1286 Chronica brevis a Monacho quodam de Bello, ut videtur, ad A. 1264, cum Continuatione ad an. 1286					
	1307 Chronicorum Monasterii de Hagnebie, ad mortem Regis Edwardi 2 ^o					
1066—1224	Chronicum Radulfi, Abbatis de Cog- geshal, ad tempora Hen. 3 ^o Regis					
	1263 Annales Monasterii de Theokesberii, ad an. 1263					
	1265 Brutus abbreviatus, cum Continua- tione usque ad mortem Symonis, Comitis Leycestrensis, A. 1265					
	1266 Chronicum breve de Rebus Anglicis ad 1266					
	1274 Annales Angliae ad an. 1274					
	1298 Annales breviores, ut videtur, Eccle- siae Landavensis, ad A.D. 1298					
	1307 Chronicum de Wigmore, ad A.D. 1307					
	1314 Breve Chronicorum, per annos digestum, ad an. 1314					
	1321 Chronicum a tempore W. Bastardi, ad an. 1321					
	1367 Stephani Byrchington, Monachi Can- tuariensis, Historia de Regibus Angliae post Conquestum					
	1447 Anonymi Epitome Chronicarum Angliae ad Hen. 6.					
1100—1170	Reginaldus de Coldingham, de Virtu- tibus B. Cuthberti					
1103	Historia Prioratus Lanthoniae in co- mitatu Gloucesteriæ					
1120	Vita venerabilis Guidonis, Mertonen- sis Ecclesiae Canonici, Autore Rai- naldo					
1130—1189	Giraldi Cambrensis liber de Principis Instructione					

FROM A.D.	TO A.D.	MANUSCRIPTS.	II. 1066	III. 1272	IV. 1399	V. 1509
1130—1200	Vita S. Hugonis, Lincolniensis Episcopi			—		
1147	Expeditio Francorum Anglorum & variarum Nationum ad obsidendum Ulissipona in Portugallia, tempore Hildefonsi Regis, per Osbernum			—		
1164—1241	Vita S ^t . Edmundi, Archiepiscopi Cantuariensis			—		
1180—1220	Vita Henrici de Boun, Comitis Herefordiæ, Authore Johanne Capgravio			—		
1189	Chronicon Ricardi Divisiensis, Monachi Wintoniensis, de Rebus tempore Regis Ric. I. et de Gestis ipsius in Palestina			—		
1432	Names of the Wardens, Ballives, Mayors and Sheriffs of the City of London, from A.D. 1189, to 1432, &c.			—	—	—
1448	A Chronicle of English Affairs, and especially of those relating to the City of London, from the 1st of Ric. 1. to the 21st of Hen. 6. with the names of the Wardens, Mayors, and Sheriffs in each reign . . .			—	—	—
1173—1174	Histoire de la Guerre, que suscita le Roi Henri le Jeune à son père Henri 2. Roi d'Angleterre, an. 1173-4, par Jordan Fantosme ; en vers			—	—	—
1199—1216	Chronicon de Rebus Anglicis, ab an. 1199 ad an. 1216			—	—	—
1195—1317	Annales acephali ad 1317			—	—	—
1216—1307	Chronicon vetustissimum, ex Cœnobio Abbendoniæ confectum . .			—	—	—
1258—1267	Chronicon Fratris Will ^t . de Rishanger			—	—	—
1259—1296	Chronicon Willielmi de Rishanger			—	—	—
1400	Chronicon Angliae, per Will ^m . Rishanger, cum Continuatione ab an. 1360 ad 1400			—	—	—
1262—1343	Croniques de Londres			—	—	—
1264—1307	Chronicon de Rebus Anglicis . . .			—	—	—
1272—1306	Les Gestes du Roi Edw. 1. en vers.			—	—	—
1303—1342	Continuatio Chronicarum Regum Angliae, per Adamum Murimuth			—	—	—

FROM A.D.	TO A.D.	MANUSCRIPTS.	II. 1066	III. 1272	IV. 1399	V. 1509
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1303—1356	Galfred le Baker de Swynbroke, de Morte Edwardi 2.
1307—1321	Cronica Anglie, ad an. 1321
1417	Chronicon ad A.D. 1417	.	.	.	.	.
1330—1376	La vie d'Edward, Prince de Gales, fitz du Roi Edward 3.	.	.	.	.	.
1378—1441	Chronicon Anglie, temporibus Regum Ric. 2. H. 4. H. 5. & H. 6.	.	.	.	.	.
1399—1401	Histoire de la Deposition et de la Mort du Roi Richard 2.	.	.	.	.	.
1414—1417	Geata Regis Henrici 5.	.	.	.	.	.
1415—1422	Les Gestes du Roi Henri 5.	.	.	.	.	.
1422—1446	Vita Henrici sexti, Regis Anglie, Autore Johanne Capgravio	.	.	.	.	.

FROM The Creation or Incarnation	TO A.D.	PRINTED.
	—	—
	560	Gildas de Excidio Britanniæ . . .
	688	Nennii Eulogium Britanniæ . . .
	766	Bedæ Historia Ecclesiastica Gentis Anglorum
	914	Asserii Annales
	975	Chronicon Ethelwerdi
	1129	Aluredi Beverlacensis Annales . . .
	1140	Orderici Vitalis Historia Ecclesiastica . . .
	1141	Chronicon Florentii Wigornensis . . .
	1154	Chronicon Saxonicum (16) . . .

(16) [The portion of the volume of the *Materials* already printed (pp. 290—466) contains the Anglo-Saxon Chronicle from the invasion of Britain by Julius Caesar to the Norman Conquest in 1066. An account of the proceedings of the gentleman, to whose care the Anglo-Saxon department of the *Corpus Historicum* has been confided, will convey no unfavourable idea of the manner in which this great national work will be edited. The text is taken from a MS. in the library of Bene't College, Cambridge, and which, as far as the year 891, is written in one continuous hand, and certainly not later than the tenth century. The other MSS. which have been used, are the Cottonian MSS. Tit. A. 1. and Tit. A. 10; a MS. in the Bodley Library, Oxford, a present to that collection from Archbishop Laud; and another MS. in the Cottonian Library, Den. A. VIII. which, though for the most part only an abridgement of the matter contained in the other MSS. has some important additions not to be found elsewhere.

FROM The Creation or Incarna- tion—	TO A.D.	PRINTED.	II. 1066	III. 1272	IV. 1399	V. 1509
	1154	Henrici Huntendunensis Historia . Ailredus Rievallensis de Genealogia Regum Anglorum	—	—		
	1201	Radulfi de Diceto Ymagines Histo- riarum	—	—	—	
	1271	Robert of Gloucester's Chronicle .	—	—		
	1307	Mathæi Westmonasteriensis Flores Historiarum	—	—		
	1395	T. Sprotti Chronicon	—	—		
	1408	Wyntown's original Cronikil of Scot- land	—	—		
	1420	Chronicon T. Otterbourne	—	—		
	1459	Annales de Dunstable	—	—		
A.D.	1460	Johannis de Fordun Scotti Chronicon Harding's Chronicle	—	—		
		Caxton's Polychronicon	—	—		
		Caxton's Chronicle of England . .	—	—		
	1485	Joannis Rossi Historia Regum Angliae	—	—		
		Fabian's Chronicle	—	—		
	46—1126	Guillielmi Malmesburiensis Antiqui- tates Glastoniæ	—	—		
	156—1100	Historiola Landavensis Ecclesiæ . .	—	—		
	303	Acta Sanctorum Albani et Amphibali	—	—		
	350— 432	Ailredi Rievallensis Vita Niniani, Pictorum Australium Apostoli .	—	—		
	378— 448	Constantius de Vita S. Germani, Autisiodorensis Episcopi	—	—		
	420— 600	Joscelinus Furnesiensis de Vita S. Kentigerni	—	—		

Of the relative value of these MSS. an account will be found in the preface to Volume I. of the *Corpus Historicum*. They have also been used in turn as a basis for the narrative of the Anglo-Saxon period, and their variations, both in matter and orthography, have been carefully noted, not only with a view to their respective importance as contributions to history, but as forming a body of materials for settling the progress and changes of the English language. The Laud MS. and Domitian A. VIII. have been long before the public both in Gibson's edition and the more recent one of Dr. Ingram. The Bene't copy will be for the first time given entire, and when it is stated that it is written in a dialect different from the ordinary language of Anglo-Saxon books—but in the same dialect with the subsidiary MS. used by Rawlinson in his edition of Alfred's Boethius, some notion may be formed of its value in settling the important distinction between the dialects of Wessex and Mercia. The few notes added to the text will chiefly relate to historical difficulties, or discrepancies. The Glossary will contain a list of such words as were either untranslateable, or of which the meaning was not known.]

FROM A.D.	TO A.D.	PRINTED.	II. 1066	III. 1272	IV. 1399	V. 1509
430—1120		Benedictus Claudiocestrensis de Vita S. Dubricii	—	—		
440— 876		Herricus de Miraculis S. Germani	—			
449— 781		Alcuinus de Pontificibus Ecclesiae Eboracensis	—			
		1035 Chronica Joannis Wallingford	—			
		1142 Willielmus Malmesburiensis de Gestis Regum Anglorum	—	—		
462— 544		Vita S. Davidis, Archiepiscopi Menevensis	—			
500—1120		Galfridus Landavensis de Vita S. Teliavi	—	—		
520— 570		Sancti Gildæ Vita	—			
522— 596		Adomnanus de Vita S. Columbae	—			
578—1397		Chronicon Willielmi Thorne	—	—		
588—1200		Chronicon Joannis Brompton	—	—		
596—1098		Gocelinus de Vita et Translatione S. Augustini	—	—		
		1120 Willielmus Malmesburiensis de Gestis Pontificum Anglorum	—	—		
		1205 Gervasius Dorobernensis de Actibus Pontificum Cantuariensis Ecclesiae	—	—		
623—1373		T. Stubbs, Chronica Pontificum Ecclesiae Eboracensis	—	—		
626—1089		Ingulfi Croylandensis Historia	—	—		
		1269 Annales Eliæ de Trekingham	—	—		
627—1154		Simeon Dunelmensis de Archiepiscopis Eboraci	—	—		
628— 716		Bedæ Vitæ Abbatum in Girwi	—			
633— 709		Heddius de Vita S. Wilfridi	—			
635— 700		Vita S. Cuthberti, Lindisfarnensis Episcopi	—			
		1368 Simeon Dunelmensis de Dunelmensi Ecclesia	—	—		
654—1175		Hugonis Candidi Coenobii Burgensis Historia	—	—		
		1368 Chronicon Anglie per Johannem, Abbatem Burgi S. Petri	—	—		
673— 735		Bedæ Vita	—			
670— 720		Gocelinus de Vita S. Werburgæ	—			
670—1220		Vita & Miracula S. Joh ⁿ Beverlensis	—	—		
674—1150		Ricardus Hagustaldensis, de Statu Hagustaldensis Ecclesiae	—	—		
675— 714		Fœlix Girwensis, de Vita S. Guthlaci	—			

FROM A.D.	TO A.D.	PRINTED.	II. 1066	III. 1272	IV. 1399	V. 1509
675—1125		Vita S. Aldhulmi, Shireburnensis Episcopi	—	—	—	—
688—1307		Peter Langtoft's Chronicle	—	—	—	—
700		Vita S. Botolfi Ikanhoensis	—	—	—	—
	1122	Edmer de Vita Bregwini, Cantuaricensis Archiepiscopi	—	—	—	—
705—820		Ethelwalphus de Abbatibus Cenobii S. Petri	—	—	—	—
709—1154		De Sanctis Ecclesiae Hagustaldensis	—	—	—	—
792—1129		Symeonis Dunelmensis Historia de Gestis Regum Anglorum	—	—	—	—
	1201	Roger de Hoveden Annales	—	—	—	—
	1270	Chronicon de Mailros	—	—	—	—
734		Beda Epistola ad Egbertum, Eboraensem Archiepiscopum	—	—	—	—
756—796		Vitæ duorum Offarum, Merciorum Regum	—	—	—	—
793—1255		Matti. Paris Vitæ Abbatum S. Albani	—	—	—	—
800—900		Vita S. Neoti Abbatis	—	—	—	—
819—1066		Vita S. Kenelmi, Regis et Martyris	—	—	—	—
849—887		Asserii Menevensis Annales Rerum gestarum Alfredi Regis	—	—	—	—
860—1154		Willielmi Gemeticensis Historia Normannorum	—	—	—	—
	1418	Ypodigma Neustriae per Th. Walsingham	—	—	—	—
876—1184		Chronicon Roberti de Monte	—	—	—	—
877—1104		De Translationibus et Miraculis S. Cuthberti	—	—	—	—
890—961		Edmer de Vita Odonis Cantuariensis	—	—	—	—
920—996		Wolstanus de Vita S. Ethelwaldi Wintoniensis	—	—	—	—
924—1066		Historia Ramesiensis	—	—	—	—
925—1091		Vita & Miracula S. Dunstani, Cantuariensis Archiepiscopi	—	—	—	—
930—992		Vita S. Oswaldi, Archiepiscopi Eboraensis	—	—	—	—
954—1025		Osbernum de Vita et Translatione S. Elphegi	—	—	—	—
959—1122		Eadmeri Historia Novorum	—	—	—	—
	1395	Henricus Knighton, de Eventibus Angliae	—	—	—	—
961—1040		Vita Sanctæ Eadgithæ Virginis	—	—	—	—
975—1001		Vita S. Edwardi, Regis Anglie et Martyris	—	—	—	—

FROM A.D.	TO A.D.	PRINTED.	II. 1066	III. 1272	IV. 1399	V. 1509
1004—1263		Annales Monasterii de Burton . . .	—	—		
1010—1095		Willielmus Malmesburiensis de Vita S. Wolstani . . .	—	—		
1012—1040		Emmæ Anglorum Reginæ Encomium	—			
1102		Ailredus Rievallensis de Vita & Miraculis S. Edwardi, Regis et Confessoris . . .	—			
1020—1089		Milo Crispinus, de Vita Lanfranci, Cantuariensis Archiepiscopi . . .	—	—		
1027—1106		Relatio brevis de Will ^o ., Comite Normannorum . . .	—	—		
1023—1108		Vita Gundulfi, Episcopi Roffensis . . .	—	—		
1033—1109		Eadmer de Vita Anselmi, Cantuariensis Archiepiscopi . . .	—	—		
1036—1067		Will ^o Pictaviensis de Gestis Willielmi, Ducis Normannorum et Regis Anglorum . . .	—	—		
1050—1098		Vita Margaretae, Scotorum Reginæ, Autore Theodorico . . .	—	—		
1066—1198		Gulielmi Neubrigensis Historia . . .	—	—		
1200		Giraldi Cambrensis Legenda S. Remigii . . .	—	—		
1225		Radulfi de Coggeshale, Chronicum Anglicanum . . .	—	—		
1232		Annales de Margan . . .	—	—		
1272		Math. Paris Historia major, cum Continuatione Willielmi Rishanger . . .	—	—		
1307		Chronicon Thomæ Wykes . . .	—	—		
1300		Chronica Walteri de Heningeforde . . .	—	—		
1080—1148		Will ^o . de Wycombe de Vita Roberti Betun, Episcopi Herefordensis . . .	—	—		
1150		Vita S. Bartholomæi Anachoretæ . . .	—	—		
1083—1186		Vita S. Gilberti Sempringhamensis . . .	—	—		
1089—1117		Petri Blesensis Continuatio ad Historiam Ingulphi . . .	—	—		
1099—1154		De Ranulfo Episcopo & aliis Episcopis Dunelmensis . . .	—	—		
1100—1147		Henrici Huntendunensis Epistola, de Viris illustribus sui temporis . . .	—	—		
1100		Joscelinus de Vita S. Walthevi Abbatis . . .	—	—		
		Gervasii Dorobernensis Chronica . . .	—	—		
1118—1170		Vita, Epistolæ, & Miracula S. Thomæ Cantuariensis . . .	—	—		

FROM A.D.	TO A.D.	PRINTED.	II. 1066	III. 1272	IV. 1399	V. 1500
1129—1154		Continuatio Historiae Simeonis Dunelmensis, per Johannem Hagustaldensem				
1126—1290		Adami de Domerham de Rebus gestis Glastoniensibus				
1135—1139		Historia Ricardi Hagustaldensis de Gestis Regis Stephani				
	1150	Gesta Stephani, Regis Anglorum et Ducis Normannorum				
1188	1307	Nicholai Triveti Annales				
	1149—1470	Ailredus Rievalensis de Bello Standardi				
1151—1193		Historiae Croylandensis Continuatio .				
	1170—1187	Giraldus Cambrensis de Vita Galfredi Eboracensis Archiepiscopi .				
		Giraldi Cambrensis Expugnatio Hiberniae				
	1192	Benedictus Petroburgensis de Gestis Regum Hen. 2. & Ric. 1.				
1177—1245		Robertii Swapham Cœnobii Burgensis Historia				
1184—1190		Gervasius Dorobernensis de Discordia inter Monachos Doroberniæ et Baldwinum Archiepiscopum				
1187—1192		Itinerarium Regis Ricardi ad Terram Sanctam, Autore Galfrido Vinisalvo .				
1190—1262		Vita S. Ricardi, Episcopi Cicestrensis .				
1188		Itinerarium Cambriæ, Autore Silvestro Giraldo				
1200		Cambriæ Descriptio, Auctore Silvestro Giraldo Cambrense				
1218—1258		Matthæi Paris Additamenta				
1220—1305		Vita S. Thomæ Cantilupe, Episcopi Herefordensis				
1246—1321		Walteri de Whytleseye Cœnobii Burgensis Historia				
1272—1422		Thomæ Walsingham Historia Anglie .				
1303—1336		Adami Murimuthensis Chronicon .				
1307—1318		Nicholai Triveti Annalium Continuatio				
	1323	Johannis de Trokelowe Annales Ed. 2.				
	1346	Roberti de Avesbury Historia de mirabilibus Gestis Ed. 3.				
	1346	Thoma de la More de Vita et Morte Regis Edwardi 2.				

FROM A.D.	TO A.D.	PRINTED.	II. 1066	III. 1272	IV. 1399	V. 1509
1307—1348	Monachi Malmesburiensis Vita Ed. 2.				—	
1321—1338	Historiae Cœnobii Burgensis Continuatio				—	
1323—1325	Chronicon Fratris Henrici de Blanckforde				—	
1336—1380	Adami Murimuthensis Historiae Continuatio				—	
1307—1402	Monachus Eveshamensis de Vita Regis Ricardi 2.				—	
1413—1422	T. Elmham de Vita & Gestis Henrici Quinti				—	
	Titi Livii Foro Juliensis Vita Regis Hen. 5.				—	
1440—1470	Fragment of an Old English History of the Affairs of King Edw. 4.				—	
1441—1460	Chronicon Johannis Whethamsted				—	
1459—1486	Historia Croylandensis Continuationes				—	

SUPPLEMENTAL NOTE.

[From *Hansard's Parliamentary Debates*, vol. vii. pp. 1737—1740, 24th July, 1822.]

Ancient Historians.—The House having resolved itself into a Committee on this subject, the Chancellor of the Exchequer expatiated on the advantages of having an uniform and regular edition of our Ancient Historians published by authority and at the public expense. This was the more necessary, because individuals were in the habit of printing imperfect copies, which were very carelessly collated, if collated at all. He hoped that even at the present time, when the public money required to be expended with so much care, a sum, which probably would not exceed 2,000*l.* a year, might be spared for this purpose. He concluded by moving, "That an humble address be presented to his Majesty, to represent to his Majesty, that the editions

of the works of our Ancient Historians are incorrect and defective; that many of their writings still remain in manuscript, and in some cases in a single copy only; and that an uniform and convenient edition of the whole, published under his Majesty's royal sanction, would be an undertaking honourable to his Majesty's reign, and conducive to the advancement of historical and constitutional knowledge: that this House, therefore, humbly beseeches his Majesty to give such directions as his Majesty in his wisdom may think fit, for the publication of a complete edition of the Ancient Historians of this realm: and that this House begs leave to assure his Majesty, that whatever expense may be necessary for this purpose will be made good by this House."

Sir J. Mackintosh felt great satisfaction in seconding the motion, and considered the work proposed to be one of the very highest utility. Generally speaking, the government of England was a little in arrear as to its patronage of literature; but it was highly creditable to the state of society in this country, that we saw works got up by individual enterprize, which in other countries would have required the assistance of the legislature. With respect to the work in question, however, there were a variety of causes—the great capital required—the great devotion of time—the limited extent of probable sale—and certain laws, which pressed heavily upon the publication of expensive works—which were likely to prevent its being performed by individual speculation. For the conductor of the work there was an individual (Mr. Petrie, of the Tower) eminently qualified; and if he were not employed immediately, the desire of employing him might come too late. The work would be a history of the progress of the Constitution; and, as such, it would be extremely valuable; and, whatever might be the anxiety not to spend the public money unnecessarily, there could, be thought, be no objection to the principle of the address.

Mr. Hume did not object to the measure, but he hoped that the business would not turn out as the institution of the Irish Record Office had done. More than 70,000*L*. had been paid by the public to that establishment, and the result obtained was

trifling indeed. He should recommend, with respect to the work now proposed, the presenting of an annual report to parliament.

Mr. Goulburn said, that the matter was under consideration. It should be remembered, however, that if the proceeds had been small, the work was of a most laborious and intricate description.

Mr. Hudson Gurney trusted, that what had fallen from the hon. member for Aberdeen respecting the Irish Commission of records (of which *Mr. Gurney* said he knew nothing), would not be construed to the prejudice of the proceedings of the Commission of Records in England. In fact, apparent slowness of proceeding was of the first importance. No man, not employed in it, could appreciate the degree of patient labour which was required, first in becoming acquainted with, and then in examining and arranging the materials, before works of this nature could, with any hope either of correctness, or completeness, be committed to the press. It was well known the public were indebted to Lord Colchester, the late Speaker of that House, for the establishment of the Record Commission; for which he considered that noble lord entitled to the gratitude of his country; our records being, he believed, the most ancient and least imperfect of those of any nation in Europe, but, in their then state, for the most part inaccessible, perishable if not perishing, scattered, and uncalendared. The object of the commission was therefore to preserve and render them accessible as documents, by printing and indexing them; and the only error at first committed was the hurrying the sub-commissioners somewhat too much—probably in order to have something to show for the money expended—by which some of the earlier volumes were rendered less perfect than they otherwise might have been.—As to the object more immediately before the House, almost every nation in Europe had published, or was now publishing, an authorized edition of their earlier national historians; and he considered it a circumstance of great good fortune that the work was to be commenced here at a period, when we had the benefit of a gentleman ready to undertake it, gifted with the extraordinary qualifications for the execution of such a task, which

were combined in the present keeper of the Records (Mr. Petrie), who came to the work prepared by the labour of a life, and with a knowledge of his subject, which probably had never been attained by any other individual.—With regard to the expense of the undertaking, it was one, which might ultimately be expected nearly, if not quite, to defray itself; the slowness of the return being, in a pecuniary point of view, the only reason why it could not have been ventured on as a private speculation. It must be obvious, however, how imperfectly any association of individuals could have carried through a collection of this nature, where the authority of government could alone give those facilities for search and collation, which would be necessary for its completion.—It should at the same time be observed, that in the sale of this, and any other of the publications of the Commission of Records, there would be a wide difference; all their other works being of such nature as would be purchased by public libraries, and by such persons as were engaged in a particular line of study only. The sale, though certain, must, of these, be extremely slow: but, in the case of the National Historians, the direct reverse might be looked to. All those persons, now extremely numerous, who were collecting libraries of any nature or extent, would be certain to purchase them. So that in fact, after the first volume, or two, it seemed very doubtful whether the work would require from the public funds any considerable assistance.

Mr. Bennet said, he never gave a vote in his life with more satisfaction than the present, but he should wish to see it a work of general utility, and one which, devoid of unnecessary splendour, might find easy circulation.

Mr. Wynn said, he did not wish for any unnecessary splendour, but still the work should be published in a manner worthy of their character.

Mr. Bright hoped the ancient works would be published at full length.

The resolution was agreed to.

[*From Manuscript Collection.*]

Whitehall, November 19th, 1822.

MY LORDS AND GENTLEMEN,

An humble address having been presented to his Majesty by the House of Commons, representing to his Majesty that the editions of the works of the Ancient Historians are incorrect and defective, that many of their writings still remain in manuscript, and in some cases in a single copy only, and that an uniform and convenient edition of the whole, published under his Majesty's royal sanction, would be an undertaking honourable to his Majesty's reign and conducive to the advancement of historical and constitutional knowledge, and therefore humbly beseeching his Majesty, that he would be graciously pleased to give such directions, as his Majesty in his wisdom might think fit, for the publication of a complete edition of the Ancient Historians of this realm; I have it in command from his Majesty to acquaint you, that his Majesty has been graciously pleased to comply with the prayer of the said address; and I am further commanded to desire that you will take measures for carrying his Majesty's most gracious intentions into effect, conferring from time to time with me, or with the Lords of his Majesty's Treasury on the progress of the work, as there shall be occasion. I have the honour to be, my Lords and Gentlemen, your most obedient humble servant,

ROBERT PEEL.

**To the Commissioners appointed under
his Majesty's Warrant of the 18th of
June, 1821, for inquiring into the state
of the Records of this Kingdom and
for other purposes therein-mentioned.**

[Lord Melbourne, by command of his Majesty, on the 10th of May last addressed a similar letter to the present Commissioners on the Public Records.]

[Of the first volume of the *Materials for the History of Britain*, 664 pages are printed, (26th December, 1831.) Each

178 MATERIALS FOR THE HISTORY OF BRITAIN.

volume will contain about 1000 pages in small folio, (17) and the whole work will form from twenty to twenty-five volumes. Not less than one year will be requisite for the production of each volume. 750 copies are printed. See *Sessional Papers—House of Commons—Record Commission*—12th June, 1829. Nicolas, *Observations on State of Historical Literature*, pp. 146—148.]

(17) [Mr. Nicolas has expressed a hope "that this work will not be published in a larger size than quarto, if it be intended to be bought or read;" and he adds, "if, as is threatened, it is to appear in folio, the want of judgment, which selected that form, cannot be too much lamented."—Nicolas, *Observations on the State of Historical Literature*, p. 147. With all deference to so great a practical opinion, the compiler (himself by no means a stranger to the inconvenience of "a huge tome") must avow his preference of the small folio to the quarto form for such a publication as a national *Corpus Historicum*. The quarto will no more than the folio enable the student to dispense with the use of his table, or desk.

Such a veil of mystery has, for some incomprehensible reason, been thrown over this undertaking, that the public has been permitted to believe that the plan is a complete edition of the Chronicles.—*Westminster Review*, Vol. XI. p. 537, October, 1829.—Nicolas, *Observations on the State of Historical Literature*, p. 146.]

CHAPTER XXIV.

PUBLIC RECORDS OF SCOTLAND.

[*From Appendix to First General Report from the Commissioners on the Public Records.]* (1)

THE loss or destruction of the far greater part of this important and interesting class of national muniments is a

(1) [This account of the general Records of Scotland forms part of the *Fourth Annual Report of the Deputy Clerk Register* to the late Lord Clerk Register, the Right Honourable Lord Frederick Campbell. Lord Frederick Campbell appears to have been during many years an active member of the Record Commission, and Scotland is principally indebted to his zeal and influence for those measures, which, at the close of the last and the beginning of the present centuries, produced the magnificent establishment of the General Register House. He died in 1816 : and in the following year the Commissioners on the Public Records of Great Britain caused a little work to be printed, entitled *Some Account of the Official Proceedings of the Right Honourable Lord Frederick Campbell, Lord Clerk Register, for the Improvement of the General Register House of Scotland, 1817, 4to. pp. 35.* This tract was never published, and seems to have been intended by the Board as a mere tribute of respect to his Lordship's memory. The ensuing inscription follows the title page :—“ The Right Honourable Lord Frederick Campbell, born 20th June, 1729 ; Keeper of the Privy Seal of Scotland, 1765 ; Chief Secretary to the Lord Lieutenant of Ireland, 1767 ; Lord Clerk Register of Scotland, 1768 ; Vice-Treasurer of Ireland, 1787 ; Commissioner of the Public Records of Great Britain, 1800 ; died Saturday, 8th June, 1816.”]

[In the Library of the Royal Institution of Great Britain there is a Tract entitled *Memorial relative to the Office of the Lord Clerk Register, and the present State of the Public Records of Scotland.* This Memorial was printed in April, 1788 ; and the copy preserved in the Library of the Royal Institution appears, by a memorandum in the handwriting of Mr. Astle, to have been presented to him, by Lord F. Campbell, the 7th August, 1793. Its contents are as follows :—

Lord Clerk Register—Dignity of his Office—Powers of the Lord Clerk

fact, as to which unhappily there can be no doubt, and which has been often the subject of just and deep lamentation. That the whole of the public Records and national muniments preserved in the royal archives of Scotland at the death of King Alexander III. were swept away by the hostile policy of Edward I. we know from authentic evidence.(2) And among the most curious documents of

Register by the terms of his Commission.—Statutory Powers of the Lord Register. Marking [the Record Books of Hornings, Inhibitions, &c. by the Lord Clerk Register] described—Effects of this operation.—Proceedings of the Court of Session relative to Records. Summary of the Lord Clerk Register's Powers. State of the Records in the General Register House.—Innovations and Abuses in the System of the Records of Scotland—Innovations and Abuses in forming the Records—Corrections of those Innovations proposed.]

[The Annual Reports of the Deputy Clerk Register seem to have been printed "separately and successively, by the direction of his Majesty's Commissioners on the Public Records of the Kingdom, for their own use, and for that of the judges of the Court of Session, and of such public officers as are chiefly concerned in the formation and superintendence of the various public Records of Scotland." A few copies of the first five Annual Reports, 1807—1811, were "thrown together into one volume, and a digested Index of the principal matters contained in them, and in the relative Appendices," was added.—(*Five Annual Reports of the Deputy Clerk Register of Scotland, with an Index of the Principal Contents.*) But the whole of the first ten Annual Reports, 1807—1816, are contained in the *Reports from the Commissioners on the Public Records of the Kingdom, 1800—1819.* Of the subsequent Annual Reports the compiler has succeeded in procuring the 11th, 12th, 13th, and 14th only, 1817—1821: all his endeavours to obtain those, which it is presumed have since appeared, have been fruitless. These Annual Reports to the Lord Clerk Register must not be confounded with the Quarterly Reports made to the Record Board.* The latter have occasionally been in arrear for two, or three, years; but this circumstance probably occasioned less inconvenience, when the Annual Reports, which contained more full information upon the same matters, were regularly printed.]

(2) [*Catalogus Munimentorum, quæ capta fuerunt in Thesauria de Edinburg, in presentia Abbatum de Dumfermelyn et de Sancta Cruce Edinburgi, et Johannis de Lythegranes, Ballivi de Lincoln, et Thomæ de Fisseburce, Ballivi de Dumfreys, Custodis Rotulorum Regni Scotie, et deposita apud Berwick ricesimo*

* [The Appendices to the Annual Reports contain extracts from the corresponding Quarterly Reports.]

that period, which yet remain, may be reckoned the instruments and inventories, which were framed in relation to the removal of those Records. Of the intentional destruction of any of them there is certainly no evidence; and from the few, which yet remain in the Chapter House at Westminster, it seems more probable that the rest have perished by neglect and the gradual ravages of time. That any of them were restored to Scotland, after the expulsion of Baliol, seems improbable; and the only reason, perhaps, for any doubt on this head is to be found in the treaty of peace concluded between the kingdoms in 1328, commonly called the Treaty of Northampton, the originals and records of which are preserved in the General Register House. It was one of the articles of that Treaty, “That all writings, obligations, instruments, and other muniments touching the subjection of the people and country of Scotland to the King of England, together with all other instruments and privileges touching the freedom of Scotland, which might be discovered, should be given up and restored to the King of Scots, so soon as they could be found, according to a special indenture, or inventory thereof.” These formed undoubtedly the most important and interesting class of the national Records; yet they certainly were but a small part of what Edward I.

tertio die Augusti, anno 20 Edwardi Primi Regis Angliae, per preceptum ejusdem Regis, superioris Domini Regni Scotie.—Ayloffe's Calendars of Ancient Charters, p. 327. See also Nicolson, Scottish Historical Library, p. 72; Robertson's Index of Records of Charters, Preface, p. x.]

[Catalogus Munimentorum et Scriptorum, que tradita fuerunt per Johannem Dominum de Drokensford, Clericum de Garderoba Domini Regis Edwardi, Magistro Willielmo de Marchie Thesaurario Scaccarii Domini Regis, et Camerarius ejusdem, apud Westmonasterium 16 Januarii anno Domini 1292, et Regni Edwardi Regis vicesimo primo.—Ayloffe's Calendars of Ancient Charters, p. 331. See also Robertson's Index of Records of Charters, Preface, p. xiv.]

[The above two Catalogues contained in Ayloffe are said to have been printed from transcripts made by Agarde.—Ayloffe's Calendars of Ancient Charters, Introduction, p. xlviij.]

had taken possession; and if the other classes of Records were still in the hands of the English, it seems strange and unaccountable that their restoration should not likewise have been made a condition of the treaty. Certain it is, that in the General Register House there does not now exist a single fragment of any public Instrument, or Record, anterior to the accession of Robert Bruce, in the year 1306.

Even from that period, comparatively recent in the History of Scotland, the number of original public instruments, which remain, independently of the Record of Private Rights, is very inconsiderable. Of the history and extent of the successive injuries, which, in common with other classes of Records, they may have sustained during the fourteenth, fifteenth, (3) and sixteenth centuries,

(3) [In the fifteenth century John Hardinge, the author of the Chronicle, is, by some writers, supposed to have distinguished himself by the equivocalfeat of purloining some portion of the Scottish Records. "Ex Chronicis ille (*Joannes Hardinge*) collegit, ab Ethelstani Regis tempore, Scoticorum Regum submissiones omnes, ac præstata fidelitalis juramenta Anglorum Monarchis, ut in posterum sciretur, Scotiæ regnum à longo tempore, et ferè ab eorum regnorum exordio, Anglorum juris esse. Etiam ex Scotiâ subduxit, non sine maximo vitæ periculo, literas quasdam originales, eadem ipsa testantes: quas Anglorum Regibus, Henrico Quinto et Sexto, ac tandem Edwardo Quarto in manus dabat." *Baleus—Scriptores Illustres Majoris Britanniae*, pp. 609, 610.

"Perlustrando antiqua chronica, ex iis perspicuè vidit (*Joannes Hardingus*) Scotorum Reges, saltem ab Athelstani Regis Angliæ tempore, hoc est, ab anno Domini plus minus 929, semper Angliæ Monarchis paruisse, submissiones fecisse, juramenta fidelitatis præstisset, regnum Scotiæ juris Anglicani semper fassos fuisse. Cum que accepisset servari quodam loco in Scotiâ chartam antiquam hujus juris locupletem testem, eò clam se contulit, et ibi multos dies occulte egit, non sine vitæ discrimine. Tandem litteras illas surripuit, et secum in Angliam detulit, easque Regibus Angliæ Henrico quinto et sexto, nec non post illos Edwardo quarto communicavit."—*Pitseus, Relationes Historice de Rebus Anglicis (De illustribus Angliæ Scriptoribus, p. 653.)* See also *Hendyng, Chronicle*, pp. 247, 292, (Edit. 1812), and in particular the *Preface* (by Mr. Henry Ellis), pp. vii.—ix. See also *Particulars relating to John Hardinge, and the Records he "recovered" from Scotland.—Archæologia, vol. i. p. 87.* It is stated in the communication to the Society of Antiquaries

very little can be traced; and their usual deposition in the Castle of Edinburgh, a fortress deemed impregnable, ought to have protected them from all injuries but those of time. And undoubtedly the most fatal in its consequences of all the disasters, which had befallen them since the time of Edward I., was their removal from the national archives during the civil wars, in the seventeenth century. On the surrender of the Castle of Edinburgh to the English forces under Cromwell, in December 1650, it was made one of the "Articles of Rendition" (4)—"that the public Registers, public Moveables, private Evidences, and Writs, should be transported to Fife, or Stirling, and that waggons and ships should be provided for the transporting of them." In the month of August 1651, when Stirling Castle was surrendered to the English army under General Monk, the governor made an ineffectual attempt to stipulate "that the Records of Scotland might be conveyed to some other garrison;" and on taking possession of it, there was accordingly found "all the Records of Scotland, the Chair, and Cloth of State, the Sword, and other rich Furniture of the Kings," &c. (5) These Records were soon afterwards transported to the Tower of London.

In September 1653, upon a Report from the Council

that these Records are in support of the title of Henry V. to the Crown of Scotland, and that the same, together with the homages of several Scotch kings and noblemen to the kings of England, are preserved in the Exchequer at Westminster in a separate box, inscribed *Scotia—Hardinge*. The chest *Scotia* was kept at the Chapter House, the Court of Receipt of the Exchequer. Its contents were inspected by Mr. Illingworth about twenty-five years ago, and the Records of Hardinge have since that time been arranged and preserved in a different manner. See *Reports from Commissioners on the Public Records*, vol. 1. p. 154.]

(4) See *The Articles of Rendition of Edinburgh Castle to the Lord General Cromwell, &c.* Dec. 24, 1650. Published by Authority. London, 1650. 4to.

(5) See *A Letter of the Surrender of Stirling Castle, &c. with the Articles at large, in Surrender of the same*.—Published by special Order. London, 1651. 4to.

of State, it was ordered by the Parliament, "that such Registers as concern private persons' rights, securities, and conveyances of lands, bonds, and contracts between party and party, with their warrants, and all process of plea, be sent back to Scotland, to be disposed of as the Commissioners for the Administration of Justice there shall find expedient for the good of that service; and that such as are of public concernment, and for the benefit and advantage of the commonwealth, be preserved and kept."(6) This partial restoration of the Records of Scotland does not appear to have been actually accomplished till the year 1657, when, in pursuance of several successive orders of the Protector and Council, a separation was made of the Registers and Records of a private nature, from those of a public nature, and the former were delivered over by Mr. Ryley, the Keeper of the Records at the Tower, to Sir Archibald Johnstoun of Waristoun, Lord Clerk Register, to be deposited in the proper apartments in the Castle of Edinburgh. From the inventory subscribed by these officers, and which comprehends Registers of Charters, Signatures, Deeds, Decrees, Seisins, Lawburrows, Suspensions, Acts of Caution and Consignation, Comprisings, Valuations of Kirks, Hornings, and Inhibitions, and some others, being in all about 1,600 volumes, it appears that they were brought back, and are now extant in the General Register House.

The other great class of Records, more permanently valuable as national muniments, and as the basis of Constitutional History, were not in this respect so fortunate. It is well known, that after the Restoration, all that then remained, or were supposed to remain in the Tower, were shipped on board a frigate, in order to be brought back to

(6) See *Proceedings relating to the carrying back into Scotland several of the Scottish Records*, in *Ayliffe's Calendars, &c.* p. 351. *Journals of the House of Commons*, vol. vi. p. 316.

Scotland; and that of this cargo eighty-five hogsheads were in a storm shifted out of the frigate into another vessel, which sunk with its cargo at sea.(7) From this wreck there escaped several most important classes of Records, particularly those of the Parliament and of the Secret Council; but the want of an inventory of the whole must leave us for ever in the dark as to the real extent of the loss, which was then sustained. Among the lost Records, however, we may probably reckon the Rolls of the greater part of the Charters of Robert I. and David II., which were extant in the reign of James VI., and which were not among the Registers delivered to Lord Waristoun in 1657; and the far greater part of the original Instruments of a public nature, which must be presumed to have existed in the archives of the kingdom, at their removal from Scotland in 1651.(8) It would be otherwise

(7) See, in the Registers of Parliament, in the General Register House, B. xxv. fol. 11, January, 11, 1661, two Acts, exonerating the persons to whose care the Records had been committed. A part of the evidence taken on the subject is preserved among the Warrants of the Parliamentary Records. See also Return of the Lords of Session to an order of the House of Lords relative to the Scottish Peerage, Feb. 27, 1740.—*Acts of Sederunt*, Edinburgh, 1790, p. 348.

[“ We see by an unprinted Act of the Scots’ Parliament, 11th January, 1661, that the Records carried off by Cromwell had been packed up in hogsheads, and put on board of a King’s frigate, called the Eagle, Major Fletcher, commander, under the charge of Mr. John Young, in order to be conveyed back to Scotland. But a violent tempest having come on, the crew of the frigate, to save her from foundering, removed eighty-five of those hogsheads out of the frigate into another ship, which afterwards went to the bottom with her whole cargo, and those eighty-five hogsheads amongst the rest, the sailors and passengers having with difficulty escaped in their boat.”—*Memorial relative to the Office of the Lord Clerk Register and the present State of the Records of Scotland*, p. 17. See also *The Acts of the Parliaments of Scotland*, vol. 6, Preface, p. vi. (note).]

(8) That some of the deeds and instruments of the kind here spoken of may have been embezzled by individuals, before their transportation to England, is not improbable. In a manuscript by Mr. James Anderson it is stated, apparently on traditional authority, that the hostile seizure of the Public Records by Cromwell, “ made some take what they could of them, thinking it no trespass, or wrong, in such a case.”

difficult to account for the inconsiderable number of original documents of this nature which are now to be found in the General Register House. (9)

At the same time it cannot be disguised, that among the causes to which the disappearance of such documents may be traced, not the least powerful and fatal has been neglect. To say nothing of what may have occurred at earlier periods, or of the accidents, which may have attended the hurried transference of the Records from Edinburgh to Stirling, and the successive removals, which preceded their ultimate restoration to Scotland, it does not appear that, even after this last event, a becoming degree of anxiety was awakened for the preservation and arrangement of those national muniments, which, from being unconnected with private rights, were not immediately subservient to the interest of individuals. In the year 1676, the Registers, or Books, of Records were arranged and entered in an Inventory, in pursuance of a special order of the Court of Session; and further orders were then given for the arrangement of the warrants of these Records. But it does not appear that any particular care was bestowed on those detached Instruments and Papers of a public nature. In a Paper drawn up by Mr. James Anderson, the editor of *Diplomata Scotiæ*, (10) some strong statements on this subject are given. He insinuates, that during the period preceding the Revolution, there prevailed an inclination to suppress, or destroy, such ancient Deeds, or Records, as might have tended to illustrate the ancient Freedom of the Constitution; but his authority is of greater weight when he informs us, that at a subsequent period, when

(9) [Respecting the loss of the Records of Scotland consult *Nicolson, Scottish Historical Library*, Chapter VII. See also *Reports from Select Committee of the House of Commons on the Public Records*, p. 393.]

(10) This paper, in the hand-writing of Mr. James Anderson, is entitled, "Note of my Collections, when, how, and why made." It is dated London, December, 1714.

his own researches afforded him the fullest opportunities of observation, the detached Instruments and Papers were suffered to remain "in heaps, or in barrels;" and that he himself had "found valuable papers loose upon the ground, and treading under foot, which probably, if known, would have gone the fate of others." "What yet may remain," he adds, "if duly looked after, I know not, there being many loose Papers uninventoried: but the place where they are kept being dark and very unwholesome, and few, or none, applying themselves to that labourious work, may make many things in our Records obscure."

The reality of this indifference and neglect does not rest solely on the authority of Anderson. In the Return of the Lords of Session to an Order of the House of Lords in 1740, already referred to, (11) it is stated among the apologies they had to offer for the imperfect information to be obtained from the Records as to the actual state of the Peerage, that besides the total loss of eighty-five hogsheads of Records in 1660, "ten hogsheads more of the Records brought down from London at that time, lie still unopened in the General Register House, through some neglect of the officers to whose charge they were committed, that cannot be well accounted for." (12) In the year

(11) [See *ante*, p. 185, note (7). The Order of the House of Lords is dated 12th June, 1739. The Return of the Lords of Session was presented in March following, and was printed. In March, 1762, it was reprinted.—*Journals of the House of Lords*, vol. xxv. pp. 416. 477. *Ibid.* vol. xxx. p. 191. This Order of the House of Lords relative to the Scottish Peerage gave occasion to some correspondence between Lord Chancellor Hardwicks and Lord President Forbes, in which the latter describes the wretched condition in which the Records of Scotland then were.—*Culloden Papers*, pp. 155. 157, and pp. 199, 200. See also *Memoriall enent the Records of Scotland*, 1740, and *Memoriall enent the antient Rolls and Registers in the Lower Parliament House, and Proposalls, &c.* 1740. *Ibid.* pp. 164. 167. See also *Account of the Official Proceedings of Lord Frederick Campbell*, pp. 26. 30.]

(12) See *Acts of Sederunt*, Edin. 1790, p. 348.

1753, the neglected state of these hogsheads attracted the attention of the Faculty of Advocates, and of several eminent Writers to the Signet. On an application to the Court of Session, in the name of the Dean and Faculty, a warrant was granted for their examination in a convenient place, by several persons of skill; and a Report of this search was afterwards presented to the Court by the Dean and Faculty. This Report stated, that Messrs. George Chalmers, Samuel Mitchelson, and William Tytler, Writers to the Signet, attended by several other gentlemen, and by James Ker, the Lord Clerk Register's Deputy Keeper of Records, "had inspected the Papers contained in five of the above hogsheads, and put such of them as were useless again into the hogsheads: that such as appeared to be of value they put in separate parcels, with labels expressing their general titles, such as Royal Letters, Commissions, Charters, Retours, Seisins, Decrees of Valuation of Teinds, &c.; and delivered the same to the above James Ker, to be kept in some place in the Laigh Parliament House. That their time would not allow them to make particular inventories; but that James Ker had made an inventory of the Decrees of the Valuation of Tithes, which appeared to be the most necessary:—And that it would be of great advantage to the public that some method were devised for inspecting the remaining hogsheads, and for making exact inventories of the whole." For this Report the gentlemen received the thanks of the Court, and were requested to continue their care and inspection into the rest of the hogsheads. It does not appear that this recommendation led to any immediate consequences, or that any farther research was made, till the whole of the public Records were removed from the Lower Parliament House into the present Register House; when, after selecting what appeared to be val-

able, the remainder was deposited in one of the lower apartments of the building.

SUPPLEMENTAL NOTE.

[*From Appendix to First General Report from the Commissioners on the Public Records.*]

[In a subsequent part of the Annual Report, from which this Chapter has been extracted,] it is observed that the public Records have been hitherto almost entirely withdrawn from the notice of the curious ; and that illustrations of this remark might be drawn from the writings of the most intelligent and inquisitive authors on the History of Scotland. As a striking example, reference is made to the famous Treaty of Northampton, in 1328. In his *Annals of Scotland*, Lord Hailes says, that " the original Treaty is not extant, neither is there any transcript of it to be found ; yet, from a careful examination of public Instruments, and of the writings of ancient historians, it may be collected, that the chief articles of the Treaty were these following," &c. Vol. II. p. 127. But it now appears, that the original ratification of this Treaty is preserved in the General Register House ; and it is impossible to suppose, that it could have escaped the researches of Lord Hailes, had its existence been known at the date of his admirable work.

[In various parts of the Annual Reports contained in the Appendices to the First and Second General Reports from the Commissioners on the public Records, there are suggestions for printing and publishing different important public Records of Scotland.] It is also remarked that, among the Records preserved in the General Register House, there are a good many, which might not be deemed of sufficient magnitude, or general importance, to be published on the large scale usually adopted by the Commissioners, which yet would be of great value in ascertaining, with exactness, many unknown, or doubtful, facts in the History of Scotland, and in illustrating the former state and manners of the country. Of some of these, a limited impression

would be highly desirable, chiefly in the view of being deposited in public libraries, where they would be accessible to those who might be inclined to speculate on the history and antiquities of Scotland, and whose researches are at present so extremely cramped by the scarcity of authentic and accessible materials. In this view, there was, at the desire of the Lord Clerk Register, printed a volume, entitled, *A Collection of Inventories and other Records of the Royal Wardrobe and Jewelhouse, and of the Artillery and Munition in some of the Royal Castles*; beginning in 1488, and ending in 1606.(14) These Records were chosen, in the first instance, for this mode of publication, not on account of any pre-eminent importance which they possess, but because, in addition to their intrinsic curiosity, which is not inconsiderable, they presented the complete materials of a detached and separate volume. Another work, on a similar plan and scale, was soon afterwards put to the press, intended to contain the *Accounts of the Great Chamberlains of Scotland, and of some other Officers of the Crown, rendered at the Exchequer*, beginning at the year 1326, and coming down to the return of James I. in 1424.(15) In this

(14) [Printed at Edinburgh, 1815. In the Preface to this volume it is remarked, that the Papers therein contained "will be found to illustrate various matters connected with the state of Scotland in the 15th and 16th centuries. To the antiquary they will furnish many curious and probably unexpected details, and, when rightly understood, they may perhaps throw some light on the progress of manners and the arts during a period of which the domestic history is still very obscure and imperfect * * * * that the frequent obscurities, which the text presents, and the many forgotten words and phrases, which it serves to record, would be of themselves enough to expose the scantiness of our present knowledge of the condition, manners, and habits of our ancestors at no very remote period; * * * * that while the work affords a display of the establishments of the Scottish Court, sufficient to correct the false representation of national poverty and meanness into which some intelligent writers have been betrayed by the want of authentic evidence on the subject, it will at the same time furnish some amusing glimpses of the interior nakedness of those domestic arrangements, where a certain barbaric splendour was aimed at, but accompanied, it should seem, by few of those conveniences, or luxuries, which are regarded as constituting the most indispensable acquisitions of modern opulence and refinement."]

(15) [A volume of this work was printed at Edinburgh, 1816. It bears the

work considerable progress has been made ; and for the period above mentioned (including proper indexes of persons, papers, and matters), it may probably extend to three volumes. In the first of these will be included an abstract of two ancient Rolls of Accounts in the thirteenth century, communicated by Lord Haddington, to which it will make a very fit and highly curious addition. [In a preceding page of the Commissioners' Reports it is stated,] that the most prominent and interesting of the Public Accounts of the Kingdom are the *Compota Camerarii Scotiae*, or the Rolls of the Lord High Chamberlain ; and the *Compota Thesaurarii*, or Accounts of the Lord High Treasurer ; which, at different periods, embraced the principal branches of the public expenditure, as well as that of the King and the royal household. Those of the High Chamberlain are preserved, but in a broken series, from the year 1328 till the reign of James I., when this officer ceased to take charge of the royal revenues. The Accounts of the High Treasurer are preserved, but likewise in a broken series, from the year 1474 till the Union ; and the blank between those two sets of Accounts, as well as the other chasms, are partially supplied by various sets of Accounts rendered by the Sheriffs, Bailies of royal Burghs, and other admi-

additional title, *Compota Camerariorum Scotiae utque alia quædam Compota Redita in Scaccario Domini Regis*. The compiler is not aware that a second volume has been published.]

[In 1771, Mr. John Davidson published *Accounts of the Chamberlain of Scotland in the Years 1329, 1330, and 1331, from the Originals in the Exchequer, with some other curious Papers*. In the Preface it is stated, " there are still some curious records in Scotland. Among these the oldest public accounts of the kingdom seem to merit particular regard. These are therefore now published ; and with them, by way of appendixes, five other papers that seemed curious. The first is, perhaps, the earliest notice of coal in Scotland. The second proves, that in the days of Alexander II. the name of King Culen was known by tradition. The third may throw some light on the erection of lands into a Lordship, to a Lord of Parliament. The fourth is the only paper in Scotland, yet known to the publisher, in which *unciata terra* is mentioned. It was found at the search made some years ago, by authority from the Court of Session, into the hogsheads in the Register Office. The last contains the oldest Scots decision about arms ; and, though already in a printed book, is but little known, as the book is scarce."]

nistrators of royal revenues and demesnes. These various accounts have hitherto attracted but a slight degree of attention ; yet unquestionably they contain a vast treasure of authentic information relative to the internal state of the kingdom, at a time when its professed annals are very meagre and inaccurate. In truth, it is chiefly in these Records that we must seek for all that can be known with certainty of the territorial produce, the domestic industry, the trade; the public revenue, the civil and military establishments, the modes of life, the food, the dress, and even amusements of the people of Scotland in the fourteenth, fifteenth, and sixteenth centuries ; and in a more indirect and incidental manner they would be found no less useful in ascertaining and verifying innumerable details in the Political History of the kingdom, which remain at present very vague and uncertain, or as to which the received statements are confused and inaccurate. (16)

(16) [Respecting the publication of the ancient Public Accounts of Scotland, see also *Reports from Commissioners on the Public Records*, vol. i. p. 537.]

CHAPTER XXV.

RECORDS OF THE PARLIAMENT OF SCOTLAND.—
ACTA DOMINORUM AUDITORUM.—ACTA DOMI-
NORUM CONCILII.

[From *Appendix to First General Report from the Commissioners on the Public Records.*] (1)

IN the course of the fifteenth, sixteenth, and seventeenth centuries, there may be traced a very interesting series of attempts to rescue from the injuries of time and of accident the more ancient Laws of Scotland ; to restore them to a state of purity and authenticity ; and ultimately to reduce the whole into a more systematic form. Indeed the main object in view seems to have been, not so much to restore the genuine text of those treatises and compilations of law which were then currently in use, or to distinguish those parts that were authentic from such as were spurious, or apocryphal, and thus to ascertain what actually was the law of the realm; as to consider what it was expedient to adopt as law, and what alterations and amendments it was desirable to introduce into the municipal code.

As early at least as the beginning of the fifteenth century, various collections of ancient statutes and ordinances, blended with legal treatises and compilations of very questionable authority, appear to have been current in the country, and to have obtained a certain degree of credit in courts of justice. Of these collections and compilations there was no fixed standard, or record ; and the " fraud and guile," which were occasioned in judicial proceedings by the want of an authentic code, was one of the many

(1) [Fourth Annual Report of the Deputy Clerk Register.]

subjects of useful reform, which engaged the attention of the legislature in the reign of James I. In March 1425-6, "It is sene spedful and ordanit be the King and the Parliament, that sex wise and discrete men of ilkane of the three estatis, the quhilkis knawis the lawis best, sal be chosyn, quha (sen fraude and gyll awe to help no man,) sal se and examyn the bukis of law that is to say, *Regiam Majestatem* and *Quoniam Attachiamenta*, and mend the lawis that nedis mendment."(2) It would be here out of place to consider how far any legitimate inferences may be drawn from the terms of this Act, respecting the authenticity of those well known treatises, which are here specified as giving a general name to the "Bukis of Law," which were to be the subject of examination and revision. Of the actual failure of the attempt to establish a correct and uniform text, we may judge from the various manuscripts of those books, posterior in date to the statute, 1425, which are yet preserved, and which exhibit a wide diversity of readings in numberless instances. Indeed the growth of this evil appears not to have been checked; and, in the reign of James III. the plan of a general revision of the laws and statutes of the realm, and of a digest of the whole into one code, was again taken up by the legislature. Among the various matters which, in the parliament, Nov. 20, 1469, were referred to a committee of twelve to "avise and commone" upon, and to report to the next parliament, was the following: "Item of the reductione of the Kingis lawis, *Regiam Majestatem*, *Actis*, *Statutis*, and uthir *Bukis*, to be put in a Volum, and to be authorizit, and the laif to be destroyit."(3) It may be regarded as fortu-

(2) *Acta Parliamentorum, Jacobi 1.-11 Martii, A.D. 1425,-10.*

(3) *Acta Parliamentorum, Jac. III.—Nov. 20, A.D. 1469,—20.* The Act here referred to is not printed in the first edition of the Statutes, 1566. In that of Sir John Skene, in 1597, it is erroneously given as a part of the proceedings of a parliament in 1487. This is one of the very few additions made by Skene to "the Black Acts."

nate that this rude project, like the former, proved abortive. Of the labours of the Committee nothing appears on record; and it may be presumed that this authoritative compilation was abandoned as an impracticable and hopeless attempt. There is at least no doubt that "the laif" escaped that destruction to which, on the completion of the projected code, they had been destined by the Scottish parliament.

In the succeeding reign of James IV. a more useful and practicable design was conceived, for giving publicity not only to the laws of the kingdom, but also to its historical monuments and ecclesiastical rituals. In the year 1507, the art of printing was introduced into Scotland under the royal auspices, avowedly for the purpose of "imprinting within our realme the Bukis of our Lawis, Actis of Parliament, Croniclis, Mess Bukis," &c. and exclusive privileges were conferred on the first printers for their encouragement and support in the execution of these national works. These, however, had not proved an adequate inducement to the publication of the Acts of Parliament; and it was not till the year 1541, that any part of the Scottish Statute Book appeared in print. A Selection from the Acts of several Parliaments of James V. was then published by legislative authority; and, at the distance of twenty-four years, this was followed, in 1565, by the publication of the acts of a parliament of Queen Mary, in 1563.—But the Utility of a more extensive compilation of the laws and statutes of the realm began at length to be strongly felt; and in 1566, on the suggestion of the celebrated John Lesley, Bishop of Ross, there was issued a commission by the Queen under the great seal, setting forth the necessity "that certane leirnit, wyse and expert Men, quhilkis best knawis the lawis sould be chosin to see and examinat the bukis of the law and set thame furth to the knawlege of Her sub-

jectis;"—and appointing the chancellor, and other officers of the state, together with certain lords of session and advocates, to be her "Commissaris in that part,"—" gevand to them (as persounis of quhais science and experience in the lawis of the Realme, Her Majesty specialie doit confide, and is assurit of thair industrie and trew diligence in executing and perfyting of Hir command and chargeis) full powar and autoritie, expresse command and charge in Her name and behalf, to visie, sycht, and correct the lawis of this Realme maid be Her and Her maist nobill progenitouris, be the avise of the thre Estatis in Parliament haldin be thame, beginnand at the buikis of the law called *Regiam Majestatem* and *Quoniam Attachamenta*, and swa consequentlie following be progress of tyme unto the dait of this Comissioun: Swa that na uthers bot the saidis lawis sychtit mendit and correctit be Her saidis traist Counsalouris and Commissaris, or ony Sax of them, conjunctlie, salbe Her privilege; imprentit or have place, faith or autoritie to be allegeit and reheirsit afoir ony Her Jugeis and Justices quhatsumever in judgement and outwith." And her Majesty further "promits to cause this present Comissioun with all and quhatsumever thingis quhilkis Her saidis Counsalouris and Commissaris be vertew heirof sall happin to do, performe, accomplische, and determinat, be ratifeit, apprevit, and perpetuallie confirmit be the avise of the thre Estatis in the nixt Parliament." (4) Although the

(4) "Our Soverane Ladyis Comissioun for viseing, correcting, and imprinting of the Lawis and Actis of Parliament,"—dated May 1, 1566 ; prefixed to the first edition of the Statutes. The Commissioners were, " George Erle of Huntlie, Lord Gordoun and Badyenach, our Chancellor, Archibald Erle of Ergyle Lord Campbell and Lorne, James Erle of Murray Lord Aburnethy, James Erle Bothuile Lord Hailis Chreichtoun and Liddisdaill, Johne Erle of Athole, Lord Balvany, Williame Erle Marchell Lord Keith, John Erle of Mar Lord Erskin, Reverend Fathers in God Johne Bischop of Ros commendatour of our Abbay of Lundoris, Alexander Bischop of Gallaway commendatour of

plan was thus limited to that portion of the proceedings of Parliament, which consists of general statutes and ordinances, yet the execution of the whole was found to be a task of serious difficulty: And, in the preface to their edition of the Statutes it is stated, that, “in the undertaking of this charge and work, the saidis Lordis thocht

Inchaffray, Adame Bisshop of Orknay, Schir Richard Maitland of Lethingtoun knyght, keipar of our Privie Seill, Schir James Balfour of Pittindreich knyght, clerk of our Register, Schir John Bellenden of Auchinnoul knyght, clerk of our Justiciarie; Maister Williame Baillie Lord Provand, Maister John Spens of Coadie, and Robert Chreichtoun of Eliok, our Advocatis; Maister David Chalmer, Chancellor of Ros, and Maister Edward Henryson, Doctour in the Lawis, &c.”

In the Preface to this edition of the Statutes, it is said, that, “albeit nane of all the Lordis Commissaris can be praised aneugh and proportionallie to thair worthyness for the travell and diligence takin be thame in this present Edition and outset, yet in speciaill with all menis favouris, twa of the saidis lordis ar to be remembrit and commendit: Thay are to say, ane Reverend father in God John, Bishop of Ross, Lord of our Soveranis Secret Counsaill and of Hir College of Justice, for his Suggestioun to our Soverane of this notabill purpose, earnestfull performing of the said commissioun, and cure in convening of my Lordis Commissaris his colligis, and liberalitie in the furthsetting of this imprenting: And Schir James Balfour of Pettindreich, knyght, Clerk of the Register, &c. for his sinceir, afald, and glaid concurrence to perfyte this wark and exhibitioun of the originallis out of the Register, and making of thame patent at all tymes, on na wayis regardand his awin particulare outhir proffeit or gloir, bot onlie the common weill of the Realme.”—The Writer of this Preface, and the Person upon whom the active Duties of Editor appear to have been devolved, was “Maister Edward Henryson, Doctour in the Lawis;” in whose favour the Queen granted an exclusive privilege and licence, “to imprent, or cause imprent and sell, the Lawis and Actis of Parliament, that is to say, the Bukis of Law callit *Regiam Majestatem*, and the remanent auld Lawis and Actis of Parliament, consequentlie maid be progress of tyme unto the dait of thir presentis, viscit, sychtit, and correctit, be the Lordis Commissaris speciaillie deput to the said viseting, sychting, and correcting thairof, and that for the space of ten yeiris next to cum.” This licence, dated June 1, 1566, is prefixed to the Edition of Statutes in that year. The record of the instrument in the books of the Privy Seal, contains some clauses and expressions omitted in the printed copies.—Doctor Edward Henryson was one of the Judges appointed on the first establishment of the Commissary Court of Edinburgh, in 1563. In 1565 he was appointed an extraordinary Lord of Session.

it maist expedient for the present to begin at the mending and furthsetting of the Actis of Parliamentis haldin be Kingis James the first, secund, thrid, feird, and fyft, and be Hir Majesteis powar havand and Hir self; and thairafter in all gudlie diligence to reik and extend thair cure to the emendatioun and publicatioun of the precedent and mair ancient lawis, the quhilkis, as thay ar mair difficill to be decernit on, swa thay requyre langar tyme to thair dew correctioun." In the execution of that part of their task to which the commissioners confined themselves, they appear to have proceeded with a degree of dispatch, which precludes the supposition that due pains, or care, could have been bestowed on the minute details of collation and correction. A volume containing the Acts of parliament from 1424 to 1564, was printed within six months after the date of the commission: (5) and although the subsequent loss of some parts of the original record, then extant, has unfortunately given to this edition an adventitious degree of value and authority, it is impossible to deny that it bears abundant marks of that precipitation with which it was thrown upon the public. To the more arduous part of their task, the emendation of the more ancient laws, it does not appear that these commissioners ever afterwards proceeded; and it may be presumed that the political events of the following year put an end to the undertaking altogether.

Within a few years afterwards, another project was formed, resembling, in one of its leading features, the abortive attempt in the reign of James III. for reducing the whole body of the law into one authoritative code. In a council, or convention of estates, held in 1574-5, during the Regency of the Earl of Morton, the Chancel-

(5) Some copies of the Book are dated October 16:—but the greater number are dated November 28, 1566. During the intermediate period, certain Acts, relative chiefly to the suppression of the reformed Doctrines in Religion, have been cancelled.

for and other distinguished persons were appointed to assemble, and with the aid of such Lords of session and advocates as they might think fit to associate in their labours, "to visite the BUKIS of the Law, Actis of Parliament, and Decisionis befoir the Sessioun; and draw the forme of the body of our lawis, alsweill of that quhilk is alreddy statute, as thay thingis that were meit and convenient to be statute;" in the view of afterwards establishing, by the authority of the legislature, " samekell thairof as salbe found gude and allowabill,"—" qubairthrow thair may be ane certane writtin law to all oure Soverane lordis jugeis and ministeris of law to juge and decyde be."(6) The conception of this plan has been ascribed to the Regent himself, by Hume of Godscroft, the Historian of the house of Douglas; who says, "Hee set a foot a great good work, and would (no question) have seen it perfected, if hee had brooked his Regencie awhile longer,

(6) The Act here referred to is preserved in the registers of the secret Council, and is in the following terms — " Apud Halirudbous quinto Marchi anno &c. lxxiiii" — " Auctoritas the sichting, collection, and reformation of the Lawis of this Realme." — " My Lord regentis grace and estatis presentis convenient, understanding the harm quhilk this commun weif sustenis, throw want of a perfyte written law, qubairupoun all jugeis may know how to proceid and decerne. Thairfor it is thocht convenient and concludit, that this personis following, thay ar to say, Johane lord Glammis, chancellor, Willame lord Ruthven, thesaurar, Robert lord Boyd, Johnne lord Hereis, James commendatari of Pittenweem, Maister Willame Baillie lord provand, president of the College of Justice, Maister James Haliburton provest of Dundee, Maister Mithail Cheisholme burges of Edinburgh, and Johane Paterson provest of Cooper, soll convene togidder in Edinburgh upoun the tent day of apryle nexto- cum, and thair calling unto thame sic vtheris of the lordis of the Sessioun or advocates as they soll think expedient, soll begin and visite the bukis of the law, actis of parliament, and decisionis befoir the Sessioun, and draw the forms of the body of our lawis alsweill of that quhilk is alreddy statute, as thay thingis that were meit and convenient to be statute, That the same being reportit agane to the estatis, it or samekell thairof as soll be found gude and allowabill may be ratifit and establishit in parliament. Qubairthrow thair may be ane certane written law to all our soverane lordis jugeis and ministers of law to juge and decyde be."

which was the reducing of our lawes into a more easie forme, and method, than now they are. The care of this," he adds, "was committed to, and the task laid upon, Sir James Balfoure, and Master John Skeene, Clerk Register, and Master of the Rols. The Work was well advanced, but when he quit his authority, they left off any further proceeding in it."(7) It would be a matter of considerable curiosity and interest to trace the proceedings, which really took place in the execution of this work ; but its history seems to have been lost sight of, and nearly forgotten, amidst the cabals and intrigues of that busy period. That Sir James Balfour was one of the original commissioners is certain ;(8) but it may be doubted how far a person of his age and official rank, to say nothing of other circumstances, was likely to be engaged in the details of so laborious a work, were it not for the remarkable coincidence of the plan, with that of a well known collection from the books of law, acts of parliament, and decrees of the session, which has been handed down in manuscript under the title of *Balfour's Practicks* ; and which was printed in 1754. If we might be allowed to indulge in conjecture, we should be inclined to suppose that the conception, or project, of this digest of the laws

(7) *History of the Houses of Douglas and Angus*, by Master David Hume of Godscroft.—Edinburgh, 1644. in folio.—p. 358.

(8) It is presumed that Sir James Balfour is the person described in the Act of the Council as "James commendatare of Pittinweme." Previously a Lord of Session, and Clerk Register, he obtained a grant of the Priory of Pittinweem in Commendam, September 1567. In December 1567 he was promoted to the place of President of the College of Justice, and, in the Records of the Court of Session, he is described thus :—"M. Ja. Balfour, Commendatarius de Pettinveme preses." He was superseded in that office, in 1569 : But there is no reason to doubt that he retained the priory of Pittinweem. These circumstances would not have been deserving of notice in this place, had it not been heedlessly asserted by his biographer, Mr. Walter Goodall, that Sir James Balfour was not one of the Commissioners named in the Act 1574, and that he was then in exile.—See Preface to *Balfour's Practicks*.—p. viii.

may have originated with Balfour; that his own exile afterwards precluded him from continuing to take any part in its execution; that the active drudgery of the proposed investigation was devolved upon younger men: and that the unfinished result of their labours is perhaps no other than the volume of "Practicks" to which the name of Sir James Balfour has been traditionally annexed." (9) Certain it is, that at an early period in the progress of the work, Mr. John Skene, who had then recently finished his academical education abroad, was assumed as one of its conductors; and continued to devote his time to its execution for several years after. Of this part of his labours, he has indeed said nothing in any of his printed works; but that such was the fact appears from the grant of an annual pension out of the thirds of ecclesiastical benefices, which was made to him in 1577: in which it is stated, "that forsamekle as our Soverane Lord, be advise of his derrest Regent, haid chargeit Mr. Johnne Skene to serve and travell with certane utheris in the revewing of the auld Municipall lawes of this realme, and of the Registeris of the decreittis gevin be the Lordis of counsale, with the actis of Parliament; to the effect that all being togidder considderit and sene, it may be propont to the States that thair sould be made ane certane Law, be the quhilk all our Soverane Lordis liegis may be governit, in the quhilk the said Mr. Johnne haveand speciall command of the said Lord regent hes this lang tyme bypast concurrit and diligentlie travellit, and hes bene thairby withdrawin fra the awaiting upoun the said Sessioun, and likewise man attend ane lairge space heir-

(9) In the oldest existing copy of this Work, which is preserved in the Advocate's Library, and which is conjectured to have been written about the year 1600, Balfour's name does not appear, except in a hand comparatively recent. At present no authority is known for ascribing it to Sir James Balfour more ancient than the reign of Charles II.

efter upon the perfectioun of the said werk already undertaken, be the quhilk he hes bene and wilbe abstractit and disapointit of his audience and attendance in the said ses- sioun, quhairunto he addictit himself at his last arryving in this realme frome the scullis, and in lykwise from his uthir cure office and industrie, quhairby he mycht advance himself to have honest and proffitable furtherance for his sustentatioun ;” and therefore, “ that the said werk inter- prisit being sa necessar for the commoun weill ” may not “ seis in default of expensis for susteynng of thame quha sall travell thairintill,” &c.—a pension is granted to him for his life, out of the revenues of the Abbey of Aber- brothock.(10) This pension was, on the same grounds, confirmed to Skene two years afterwards; but as that confirmation might have been obtained through the influ- ence of Morton, it does not contradict the assertion of Hume of Godscraft, that the undertaking did not survive the political elevation of its alleged author. Whoever may have been its original advisers and supporters, the idea of such a digest was obviously suggested by the com- pilations of Justinian; and in a country where the Roman jurisprudence was a favourite object of attention, and where the materials of our own municipal system were buried in manuscripts and records inaccessible to ordi- nary students, it was not unnatural that “ a Body of our Lawis,” formed on the Roman model, should be regarded as a most desirable acquisition.(11) Having apparently

(10) The pension granted to Skene was 10 chalders of meal annually. The grant is dated at Dalkeith, June 10, 1577. It was ratified and confirmed in 1579. These grants are recorded in a Register of Ecclesiastical Benefices preserved in the General Register House.

(11) [At the period when this Digest of the Municipal Laws of Scotland was projected, James VI. was a very young man; but it is not improbable that this scheme, and the attempts of the same kind made by his ancestors, (see *ante*, pp. 194. 198,) contributed to produce those plans for the amendment of the Statutory Law of this country, of which some notice may be found in a pre-

excited so much interest and expectation at the time, it is surprising that this national work should have left no

ceding part of this compilation. (See Part i. pp. 141, 142.) This is the more likely, as the following extracts from two speeches, addressed by James to his Parliament, will show that his reform was not, as it has been stated, limited to the mere simplification and consolidation of our Statutes:—" For I must needs confess by that little experience I haue had since my comming hither, and I thinke I am able to prooue it, that the grounds of the Common Law of England, are the best of any law in the world, either ciuil or municipall, and the fittest for this people. But as euery law would be cleare and full, so the obscuritie in some points of this our written law, and want of fullnesse in others, the variation of cases and mens curiositie, breeding euery day new questions, hath enforced the iudges to iudge in many cases here, by cases and presidents, wherein I hope lawyers themselues will not denie but that there must be a great vncertaintie, and I am sure all the rest of you that are gentlemen of other professions were long agoe wearie of it, if you could haue had it amended : for where there is varietie and vncertaintie, although a iust iudge may do rightly, yet an ill iudge may take aduantage to doe wrong ; and then are all honest men that succeede him, tied in a maner to his vnjust and partiall conclusions. Wherefore, leauue not the law to the pleasure of the iudge, but let your lawes be looked into: for I desire not the abolishing of the lawes, but onely the clearing and the sweeping off the rust of them, and that by Parliament our lawes might be cleared and made knowen to all the subiects. Yea rather it were lesse hurt, that all the approued cases were set downe and allowed by Parliament for standing lawes in all time to come : for although some of them peraduenture may bee vnjust as set downe by corrupt iudges ; yet better it is to haue a certaine law with some spots in it, nor liue vnder such an vncertaine and arbitrarie law." —*A Speech at Whitehall, March, 1607.*

" Next, our Common Law hath not a settled text in all cases, being chiefly grounded either vpon old customes, or else vpon the reports and cases of iudges, which ye call *Responsa Prudentum*. The like whereof is in all other lawes : for they are much ruled by presidents (sauing onely in *Denmarke* and *Norway*, where the letter of the law resolves all doubts without any trouble to the iudge,) but though it be trew, that no text of law can be so certaine, wherein the circumstances will not make a variation in the case, (for in this aage, mens wits increase so much by ciuitie, that the circumstances of euery particular case varies so much from the generall text of law, as in the ciuill law it selfe, there are therefore so many doctors that coment vpon the text, & neuer a one almost agrees with another ; otherwise there needed no iudges, but the bare letter of the law.) Yet could I wish that some more certaintie were set downe in this case by Parliament ; for since the very reports themselues are not alwayes so binding, but that diuers times iudges doe disclaime them, and recede from the judgment of

distinct traces of its progress; unless it be supposed that the crude and incomplete collections of Skene and his coadjutors, are preserved to us in the compilation ascribed to Sir James Balfour.

From the accession of James VI. selections from the public acts of successive parliaments were printed with some degree of regularity, and formed a sequel to the collection published in 1566. Still, however, it was felt, that much remained to be done for retrieving from obscurity this part of the municipal law; and in the parliament at Edinburgh, June 1592, an act was passed, ordaining the chancellor, with the assistance of some of the most distinguished lawyers of the time, "to visite the their predecessors, it were good, that vpon a mature deliberation, the exposition of the law were set downe by Acte of Parliament, and such reports therein confirmed, as were thought fit to serue for law in all times hereafter, and so the people should not depend vpon the bare opinions of iudges, and vncertain reports.

" And lastly, there be in the Common Law diuers contrary Reports and Presidents; and this corruption doeth likewise concerne the Statutes and Acts of Parliament, in respect there are diuers crosse and cuffing Statutes, and some so penned as they may be taken in diuers, yea contrary, sences. And therefore would I wish both those Statutes and Reports, aswell in the Parliament as Common Law, to be once maturely reviewed and reconciled; and that not onely all contrarieties should be scraped out of our booke, but euen that such penall Statutes as were made, but for the vse of the time (from breach whereof no man can be free), which doe not now agree with the condition of this our time, might likewise be left out of our booke, which vnder a tyrannous or auaritious king could not be endured. And this reformation might (me thinkes) bee made a worthy worke, and well deserues a Parliament to be set of purpose for it."—*A Speech at Whitehall, March, 1609.*

See King James' Works, pp. 512, 533, 534. See further upon the subject of this note the Compiler's work, *Lettres sur la Cour de Chancellerie et quelques points de la Jurisprudence Angloise*, pp. 171—243. 308—354. London Edition.

There are in two, or three, of King James' Speeches some curious remarks upon the Laws and Jurisprudence of the Southern part of his dominions, that, as well as the Compiler recollects, have escaped the observation of those few of our juridical writers, who have ventured occasionally to turn aside from the lucrative paths of practice, to investigate the antiquities, or trace the history of the Law. See a Speech in the Starre Chamber, June, 1616, King James' Works, p. 549.]

lawis and actis maid in this present Parliament, and all utheris municipall lawes and actis of Parliament bygane, quhairof thair is registar or autentik monumentis extant; and to consider quhat lawis or actis necesserlie wald be knawin to the subjectis, quhilkis suld be kepit and obeyit be thame: ande to mak thame inexcusable of ignorance, to caus the samen lawys and actis to be copyt, and autentik copies subscryvit to be deliverit to his hienes prentar," (12) &c. The plan thus prescribed by the parliament was similar in its nature and extent to that of the Royal commission of 1566; unless perhaps in so far as it was modified by the perilous discretion of determining "quhat lawis or actis necessarilie wald be knawn to the subjectis, quhilkis suld be kepit and obeyit be thame." Among the persons to whom this important task was assigned was Mr. John Skene; who not long afterwards was advanced to the office of clerk register, and upon whom the execution of the work appears to have been devolved. Like his predecessors in the reign of Mary, he did not find it expedient, in the first instance, to go back to the earliest period of "Registers and authentic Monuments;" but like them commenced his publication of the statutes from the return of James I. in 1424, and continued it downwards to December 1597. In that portion of the volume, which contains the statutes prior to James VI. he has followed closely the edition of 1566, with the omission of a consi-

(12) This Act is intituled, "For viiting and causing of the lawes and actes of Parliament to be prented."—The Chancellor at this period was "Johane lorde of Thirlstane," and the lawyers appointed to assist him were, "Mr. Johane Lindsay, partoun of Menmure, (a lord of Session from 1581 to 1597), Alexander Hay of Easter Kenna, Clerk of Register, (and also a lord of Session from 1579 till his death in 1594), Maister Johane Skene, advoeate, Mr. George Young, archdeacone of Sanctandrois, Mr. Thomas Hammiltoun, appearand of Prestfield, (afterwards first Earl of Haddingtoun), Maister Wilhame Scott, Director of Chancellarie, and Maister Johane Hay, sone and deput to the said Clerk of Register."

derable number of statutes, which he must be presumed to have thought unimportant, and with the addition of a very few, which do not certainly bear any obvious characters of preference to the former. In the choice of materials for the subsequent part, he seems, in a great measure, to have been directed by the successive publications already alluded to (13); and throughout the whole, he would appear to have rarely consulted the original records; and has, in many instances, adopted the errors of former editions with heedless servility (14). With the exception of those statutes of most recent date, which had not been printed before, he cannot be said to have added much to the stock of public instruction.

But Sir John Skene had the merit of proceeding afterwards to the more arduous part of his undertaking, and of giving to his countrymen, for the first time, a collection of the more ancient laws of the realm. The difficulties and hazards of the task must be, on all hands,

(13) The latest of these Sessional Publications certainly known to exist is that of the Acts of Parliament in Mary, 1584, but traces have been said to exist of subsequent publications in 1588 and 1594. With these ends the Series of what have been usually known by the name of the Black Acts.

(14) The utility of this Publication, however, and the merits of the Editor, appear to have been very favourably appreciated by his contemporaries. In "the Conventioun of the Nobilitie and Estaites haldin at Halyrudbous the penult day of Junij, anno 1598," the following Act was passed, "Anent the selling of the actis of Parliament."—"Oure souerane lord and estaitis presentlie convenit considering with what grit charges and expensis the haill actis of parliament maid be his hienes and nobill progenitouris of worthie memorie hes bene imprentit be Mr. Johnne Skene, clerk of Register, and that nathing is mair necessar for the haill leidis of this realm nor the knawledge of the saidis lawis and actis of parliament, that be the ignorance of the same thay pretend not ane excus for thair offence: Thairfour his hienes and estaitis hes remittit ordour to be takin be the Lordis of Sessioun how that the saidis actis alreddy imprentit may be bocht be sic subjectis within this Realme as ar of that substance and habilitie to by the samyn; And declaris that quhatenever in the said mater salbe concludit be the saidis lordis sall haif the strenth, force, and effect of ane act of this present convention. Sic Subscribitur. JAMES R."

admitted to have been great; though his own statement of them certainly seems to be tinged with much exaggeration. In a dedication to the King, he has thus expressed himself:—" Constitutionibus tuo mandato in lucem editis, quæ in publicis regni tui Scotiae Comitiis, post Regem Robertum ejus nominis tertium, promulgatæ sunt (Acta Parliamenti vulgo vocant) cum in prisca et antiquas leges, paulo diligentius inquirerem, incidi in Augæ stabulum, quod ne Herculis quidem labore purgari, aut evacuari, potest. Libri enim complures mihi objiciuntur; antiquæ quidem fidei, sed tinearum et blattarum epulæ. In his multa, quæ antiquitatem nobis ignotam, et judiciorum formulas olim usitatas, nunc ab usu remotas, sapiunt. Verba peregrina, prisca, obsoleta, et antiquata, quæ facilius admirari quam interpretari licet."—" In his quoque libris, scriptorum imperitia et negligentia, multa corrupta, divulsa, multa sparsim et confuse digesta, quæ sensum corrumpunt, aut nullum reddunt. Verum tamen ab opere incepto non destiti."—" Ut igitur ursus informem partum, lambendo informat; ita improbro labore, fructum aliquem, nescio an satis solidum, et maturum, ad communem Reipublicæ usum, producere conatus sum. Quantum enim ipsius rei difficultas timoris attulit, tantum ademit ejusdem rei, a nullo adhuc tractatæ, nulliusque pede tritæ, tum novitas, tum utilitas" (15). In the month of August 1607, Sir John Skene at length exhibited to the parliament of Scotland the fruit of these painful researches and critical labours, in a volume prepared by him for the press, containing the treatises called *Regiam Majestatem* and *Quoniam Attachamenta*, with several others of lesser importance, and a collection of statutes prior in date to the reign of James I. at which his former publication had commenced. This compilation seems to have been received by the legislature

(13) Dedication prefixed to the Latin Edition of *Regiam Majestatem*.

with high approbation ; and in an act passed “ in favouris of the clerk of register, anent the prenting of the book callit *Regiam Majestatem*,” it is stated that “ the auld lawes of this realme befoir the dayes of King James the First wer almaiist perisheit and not extant, and sum money of thame as were extant wer writhin in paperis and were altogiddir uncorrect :”—And that in pursuance of former acts and ordinances to that effect, the clerk of register “ hes be his gret travellis painis and expensis visitit correkit mendit and reduceit in ane volum the saidis auld lawes of this realme befoir the dayes of King James the First ; the quhilk volum continand *Regiam Majestatem* and utheris lawes the said Clerk of Register hes presentit befoir the haill estatis of this present Parliament ; whilk they have considerit, and hes allowit thairof as memorable and worthie actis to be prentit, wherewith and be the actis of Parliament maid sensyne the haill leges of this realme sall be judgeit reulit and governit.” This work, so long expected, and so anxiously desired by his countrymen, was published by Skene in 1609, both in the Latin original, and in a translation professedly executed by himself, “ out of Latine in Scottish language.” Of this latter work he states in “ the Epistle to the Reader,” that “ His Majestie being one benevolent and loving King toward his subjects, willing them to knaw his lawes, hid and concealed fra them of before, and to conforme their maner of living and obedience thereunto, and understandand that lawes cannot be profitable to them wha are ignorant thereof, commanded me promoved be his Majestie to the office of the Clerk of Register, Councell and Rolles, to translate and convert the samine auld lawes forth of Latin in English, that the samine may be knawine to all his subjects.”—He afterwards adds, “ Quhat I have done, I remit it to thy judgement and censure ; I have travelled meikill, ane lang

time ; but how profitable I cannot declare. I am the first that ever travelled in this mater, and therefore am subject to the reprehension of many, quha sall follow after me ; qubem I request maist friendlie to take in gude part, all my doings. For my purpose and intention was to correct, interpret, and reduce the auld lawes to their awin integratie, that they might be understand with some frute be all Our Soveraigne Lords lieges."

These two publications of the ancient Law of Scotland appear to have been received by his countrymen with all that favour, which their editor so earnestly bespeaks. It may indeed be fairly doubted if any of his contemporaries were at pains, by a critical examination of the ancient manuscripts, to form a just estimate of their merit : nor was it till a period comparatively very recent, that the labours of Skene were subjected to that severity of reprehension, which he anxiously deprecates, and which, in the general opinion, has ultimately reduced them to a very low level in point of accuracy and fidelity. Of the authenticity of *Regiam Majestatem*, and some of the other portions of Skene's compilation, a very unfavourable opinion had been sanctioned by the names of Sir Thomas Craig and Lord Stair ; but the fidelity of Skene as an editor, was, it is believed, for the first time seriously questioned by the late Lord Hailes ; obviously because he was the first, who, with competent qualifications for the task, had the curiosity and zeal to put Skene's edition to the test of collation with the existing manuscripts (16). His

(16) In a tract, entitled, " An Examination of some of the Arguments for the High Antiquity of *Regiam Majestatem*," published by Sir David Dalrymple, (Lord Hailes) in 1769, the author observes, " that many MSS. of *Regiam Majestatem* still exist, but they have never been critically examined. This labour, in itself irksome, was supposed to be unnecessary.—All parties concurred in relying on Skene as a candid and accurate publisher. I would not willingly derogate from the labours of others, but truth obliges me to observe, that, to all appearance, Skene was a careless, if not an unfaithful publisher. From what

opinion, which was received with surprise and reluctance, has been ever since gaining ground so rapidly, that it is presumed there is now scarcely any one, who will venture to dispute the observations of that learned and candid critic, that, “to all appearance, Skene was a careless, if not an unfaithful, publisher.”

Although the intrinsic defects of Skene’s editions of the statutes and ancient laws of the realm appear to have been unknown to his contemporaries, yet the utility of a more extensive collection seems still to have been plainly perceived; and, at the beginning of the succeeding reign, the project of a systematical and authoritative code of municipal law was again revived and prosecuted with much

MSS. it was that Skene published his edition of *Regiam Majestatem* no one can with certainty determine. Of the tenor and contents of those MSS. we can only judge by the MSS. which are still extant; and if we judge by this rule, we must conclude that Skene was a careless, if not an unfaithful publisher.”—

Page 4. [It is not irrelevant to remark, that Mr. Thomson, after the fullest consideration and research, is satisfied that all the ancient Assizes and Statutes, which have been preserved, prior in date to the demise of Alexander III. in 1285, must be assigned to the reigns of David I., William the Lion, and Alexander II.; and that he has thought himself warranted in placing under the reign of David I., not only the *Leges Burgorum*, but a considerable number of other laws, which, in the collection of Sir John Skene, were either assigned to later Princes, or were thrown into the mass of the Treatises called *Regiam Majestatem* and *Quoniam Attachimenta*, falsely ascribed to the age of David I., and which it appears to him extravagant to date at an earlier period than the beginning of the fourteenth century. In the arrangement of the assizes, or laws, of the later reigns of William and Alexander II., in the Acts of the Parliaments of Scotland (Vol. I.) Mr. Thomson has been guided partly by the dates to be found in some of the manuscripts attached to particular articles; partly by the concurring testimony of manuscripts, in assigning certain articles to one, or other, of those reigns; and partly by considerations of intrinsic evidence, connected with the natural progress of law in those matters to which such articles relate.—See the *Fourteenth Annual Report of the Deputy Clerk Register of Scotland*—1820, 1821. Appendix, p. 9. Upon the question of the authenticity of the *Regiam Majestatem* the reader may consult Robertson’s *Index of Records of Charters*, Preface, pp. xxviii.—xxxviii. Respecting the *Regiam Majestatem*, and old Laws of Scotland, see also *Craig, Jus Feudale*, Diegesis 8; and Nicolson’s *Scottish Historical Library*, pp. 74—78.

apparent zeal. In 1628, a commission was granted by King Charles I. under the great seal, repeatedly renewed, and finally sanctioned by Parliament in 1633, for authorizing a considerable number of the most distinguished and learned persons of the age "to meitt and conveene at quhatsumever tymes and places convenient; and to reid, recognosce, and consider the haill lawes, statuities, and actes of Parliament of the said Kingdome alsweill printed as unprinted, togidir with the customes and consuetudes of the said Kingdome quhilks ar and haue beine observit as lawes withine the same aither in the civil or criminal iudicatoris; And quhilks haue beine receaved in practick by the decreits of the lords of sessione or justice generall; And to that effect to caus be exhibit befor thame be the clerk of register and justice clerk and thair deputtes, The haill registers and rolles conteining the lawes and actes of Parliament of the said Kingdome alsweill unprinted as printed, with the registers of decreitts and interloquutars of the lords of sessioun and justice generall, Togider with the buikes intitulat *Regiam Majestatem*, quhilk conteines ane record of the auncient lawes and customes observit within the said Kingdom: And ester dew consideratioun thairof, to conclude and determine anent the trew sense meaning and interpretatione of all such lawes and actes of Parliament quhilks ar unclear and doubtsome in the selff, and may receaue divers interpretationes, And quhilk hes beine drawen in questioun befor the Lords of session in respect of the doubtsomnes and uncleirnes thairof: And anent the printing of such lawes and statuities as ar not yett printed; And anent the omission of such actes and statutes as ar abrogat or become in desuetude and out of use: And siclyk to collect and sett downe the haill customes and generall consuetudes inviolablie observit in the said Kingdome, alsweill in the

civill as criminall judicatories, To the effect the samyne may be thair allowance ratificatione and approbatione be registered in the buikis of Parliament, and be maid notour and knawen to the haill liegis : Lykas his Majestie with consent of the estates presentlie conveined, finds and declaris that the acts and ordinances to be aggrieved resolved and concluded vpon in the premisses, and everie one of thame, Togider with the generall customes and consuetudes quhilk be the command and authoritie of the saids commissioners, sall be ordanit to be registrat in the buikis of Parliament, To have the force and authoritie of a publick law unto the second and thrid sessioun of the nixt enschewing Parliament quhilk sall be haldin in this Kingdome : At the quhilk tyme the haill proceidings conclusiones and determinationes done acted and concludit be vertew of this present commissioun, Togider with the said generall customes and consuetudes quhilk sall happine to be alloed and approveine be thame as said is, sall be exhibite to the saids estatis of Parliament to be advySED and considerit be thame, And sal take finall determinatione thair vpon," &c. (17).

It is to be lamented, that of the proceedings under this

(17) The preceding quotation is made from the Act of Parliament, June 1633, entitled, " Commission for surveying the Lawes." From the Preamble of the Act it appears that the first Royal Commission was dated at Whitehall, June 2, 1628 ; that " in respect of sundrie interveining impediments the samyne had not takin the effect quhilk his Majestie wished, and thairfoir his Majestie in the Convention of Estaits haldin and begun upon the twentie aucht day of July 1630 caused the said commissioun with the utiltie and necessity thairof to be proponit to the saids thrie estaits ; quha estir dew consideratione &c. humblie desyred some mae personnes out of ilk estait to be addit to the former commissioners ; conforme to the quhilk ane new commissioun was exped under the great seale of the dait the thretteine day of October 1630 yeirs, quhilk was thairefter renewed be ane new commissioun past under the great seale vpon the 18 of Januar 1631 yeirs : Sen the quhilk tyme thaire has beine divers meittings of the saids commissioners, and sundrie pointes and articles treated and commouned for advancing of the sayme," &c. The Purpose of the Act 1633 is to confer additional Powers on the Commissioners.

commission, all traces seem now as completely obliterated as of those under the Regency of Morton; but we may fairly presume, that the difficulties of the enterprise were found on trial to be insuperable, and that it was ultimately abandoned as desperate. Had the advisers of this vast project been contented to limit their views to the humbler object of collecting the scattered fragments of the Statute law of the kingdom, and of selecting whatever was important in the records of the supreme courts of Justice, without aspiring at the same time to determine what was worthy or unworthy of adoption into a complete and finished code of municipal laws, they might have conferred a lasting and invaluable benefit on Scottish Jurisprudence.

The total failure of this gigantic attempt does not appear to have led to the adoption of any more limited, or practicable, measure; and the compilation of a more extensive system of parliamentary and judicial proceedings has ever since remained among the desiderata of Scottish policy. In the parliaments of July 1681, and of July 1695, commissions for revising the laws were issued, nearly similar in their purport to those in the reign of Charles I., but without any useful result. In the year 1679, the royal license had been granted to Sir Thomas Murray, of Glendook, Clerk Register, to reprint "the whole Acts, Laws, Constitutions and Ordinances of Parliament of the Kingdom of Scotland, both old and new;" but his edition of the statutes, published in 1681, (18) is copied implicitly from that of Skene in 1597, and from

(18) The printer, to whom Sir Thomas Murray assigned his privilege, published two editions, one in 12mo. and another in folio. Of the two, the last is the least inaccurate; having been purged of some of the more palpable typographical errors of Skene's edition, which have been retained in the former. Of the Acts of Parliament, from 1681 to the period of the Union in 1707, there is a series of sessional publications in folio and in 12mo., the latter of which is that in ordinary use.

the subsequent sessional publications. This is the more unpardonable, that he professes to have extracted the work from the original Records of Parliament, whereas, in fact, even the more accurate and ample edition of 1566 does not appear to have been consulted. Yet it is this edition, that, for more than a century, has been usually quoted in all our Courts of Justice as a correct and genuine code of the laws of Scotland.

From the preceding detail, an idea may be derived of the difficulties, as well as importance, of the various attempts, which have been thus successively made to retrieve the more ancient Records of the law of Scotland from that obscurity and corruption under which they have unhappily laboured. These attempts, however, it must be obvious, have had an exclusive reference to forensic practice, and have aimed solely at the establishment of an authentic standard for the decisions of courts of law. This is, undoubtedly, the most important object to which such researches can be made subservient; yet there are other objects which, in due subordination, ought not to be overlooked, or rather which may be said, from their comprehensive nature, to embrace the former as an essential part. Without attempting to analyze the various considerations and inducements, which may here be supposed to operate, it is certain that all those, whose minds have been directed to such pursuits, will acknowledge the propriety, and even the duty, of attempting to rescue from the wreck of time every genuine fragment of constitutional history and national proceeding, however unimportant it may, on a superficial view, appear to be to the business of common life. The ancient statutes and ordinances of the Scottish legislature, in many instances, may have been abrogated, or may have lost their force by disuse; the judicial proceedings of the Court of Parliament may have ceased to be regarded as affording precedents for the

guidance of modern courts of justice; and in few, perhaps, of the other solemn acts and proceedings of the great national council will be found any thing, that now bears directly on the great public rights and interests of the kingdom: but as essential parts of the civil, political, and domestic history of Scotland, as facts illustrative of the early state and gradual progress of law, in all its branches, as links of that unbroken chain which, at almost every point, connects the more refined and complicated system of modern policy and modern manners with the rude institutions and customs of former times, there are no fragments of Parliamentary Record, however minute and apparently unimportant, which do not possess an intrinsic and permanent value, sufficient to reward their discovery and preservation. In these more extended views of the subject, the publication of the Parliamentary Records of Scotland supplies one of the greatest desiderata in the history and jurisprudence of the kingdom; and even from the mutilated and imperfect state in which those Records are now found, very powerful incentives might be drawn for carefully collecting whatever has yet escaped destruction, and for preserving those remains from future accident, in the mode of all others the most effectual, by committing them to the press.

In other parts of this compilation allusion is made to the almost total loss of the original Records and Muniments of the kingdom, prior in date to the reign of Robert Bruce (19); and in that loss the Records of a Parliamentary nature have had their full share. Among those of which a faint remembrance is yet preserved, in the indentures and lists drawn up by the officers of Edward I. are several of this class, particularly the following: "Unus rotulus de antiquis statutis regni Scocie;"—"Duo rotuli de legibus et assisis regni Scocie, et de legibus et con-

(19) {See ante, p. 102.]

suetudinibus burgorum Scocie, et de quibusdam statutis editis per reges Scocie;—" Item, unus rotulus de statutis regis Malcolmi et regis David;" not to mention many others of a judicial nature. But of this first period, with the exception of a very few original instruments, and some small rolls of Placita in the reign of John Balliol, still preserved in the Chapter-house at Westminster, the only existing remains of a parliamentary nature are to be found in manuscript collections of the fifteenth and sixteenth centuries, in which they are usually combined with the Treatises of *Regiam Majestatem*, *Quoniam Attachiamenta*, &c. For the subsequent period, from the accession of Robert Bruce to the return of James I. in 1424, the proportion of original Record is much more considerable, and the purity and authenticity of the existing copies greatly superior; yet here, as in the preceding period, a great deal must depend on careful collation and critical selection, in any attempt to retrieve the genuine text of the ancient Statute Law of Scotland. In the great work printed under the direction of his Majesty's Commissioners, the remains of Parliamentary proceeding, from the earliest period to the year 1424, are to form the materials of the first volume; as an Appendix to which will be included the books called *Regiam Majestatem* and *Quoniam Attachiamenta*, &c. both in Latin and in an ancient Scottish version; which, although of doubtful origin and questionable authority, have yet been so far recognised by the Legislature as " Bookis of the Law," and so long referred to in Courts of Justice, at least as evidence of ancient usage, that their preservation in the most correct and authentic form now attainable, has become an object of manifest propriety. The successful accomplishment of this earliest portion of the parliamentary work, is obviously surrounded with most formidable difficulties; and the same considerations, which influenced the labours of

Skene and others, have likewise, on the present occasion, rendered it more expedient to proceed in the first instance to the Parliamentary Acts of James I. and his successors.

Even at this period, comparatively modern, the Records of Parliament have been found in a mutilated and imperfect state. Of the reigns of James I. and James II. no part of the original books are extant; and the Statutes of those two Sovereigns have been obtained from a collation of several old manuscripts with the first printed edition of 1576. The existing series of original Parliamentary Records commences only in 1466; and even from that period down to the year 1578, the series is broken by numerous mutilations and deficiencies, most of which are altogether irreparable, but of which several may be partially supplied from early transcripts, as well as from the earliest traditions. Of the original Records of the period now alluded to, the most palpable feature of peculiarity is the intermixture of the proceedings of those Parliamentary Committees called "Lords Auditors of Causes and Complaints," with the proceedings of the three estates in full Parliament. These proceedings of "the Lords Auditors," in the adjudication of private civil actions, are partially preserved for about twenty-eight years, beginning in 1466, and terminating in 1494. They are in themselves interesting, and well deserving of preservation, as illustrative of the state of manners as well as of law; but, at the same time, they form a cumbrous and inconvenient excrescence on the Record of public Parliamentary Proceedings; and therefore it was thought expedient, in the publication of the Records of the Parliament, to detach the whole, and throw it into a separate volume, under the title of *Acta Dominorum ad causas et querelas audiendas electorum in Parliamentis Jacobi III. et Jacobi IV. Regum Scotorum.* Of the particular constitution of these Committees it is not necessary here to enter into any statement, further

than to mention, that their sittings were limited to the duration of each particular Parliament; and that, in the intervals, between successive Parliaments, or successive sessions of the same Parliament, the same causes and classes of causes fell directly under the cognizance of another temporary and fluctuating tribunal, appointed by the King, and denominated usually "the Lords of Council." The proceedings of this Court have been preserved, in a broken series, from the year 1478 till the institution of the present College of Justice, or Court of Session, in 1532; and, from these, the part contemporaneous with the acts of the Lords Auditors has been taken, and annexed as a proper and almost indispensable Supplement, under the title of *Acta Dominorum Concilii regnantibus Jacobo III. et Jacobo IV. Scotorum Regibus.*

ACTA DOMINORUM AUDITORUM.—ACTA DOMINORUM CONCILII.

[*From the Appendix to the First General Report from the Commissioners on the Public Records.*]]

[In a prior part of the Appendix to the First General Report from the Commissioners on the Public Records, it is stated,] that the proceedings in civil causes, which are the subject of this separate publication of Parliamentary Records, are of two kinds. The one consists of the decisions of a Committee, which was usually chosen at the commencement of every Parliament, and whose sittings were continued from day to day, till that particular Parliament was prorogued, or dissolved. The other consists of decisions similar in nature and authority to the former, by Commissioners consisting of "certain discreet persons of the three estates," who were usually nominated at the close of Parliament, directly by the King, but sometimes also by the Parliament; and whose sittings (or sessions as they are called) were continued from time to time during the intervals between different Parliaments. The designation commonly given to the former class of judges was, "Lords Auditors of Causes and Complaints," or,

Domini electi ad causas et querelas audiendas: the second were usually denominated "Lords of Council," or *Domini Concilii*, and sometimes "Lords of Session."

In the Records which remain, those two classes of proceedings are blended together. In the books of Parliament there are several series of the Acts of the Lords of Council; and, *vice versa*, in the Records usually called the Books of Council, there are frequent occurrences of Acts of the Lords of Parliament; and as an illustration of their close analogy and connection, it may be remarked, that in the books of Parliament, the words "of Counsele" often appear to have been originally inserted, and afterwards cancelled, and the word "Auditouris" sometimes substituted in its stead. The Clerk Register and his Deputies acted as Record Officers to both classes of Judges; and it is not difficult to imagine how such substitution of the one name for the other should have happened in the hurry of writing. The powers and functions of the two courts, so far as appears, were essentially the same; the causes, which had originated before the one, were resumed by the other, and might thus be advanced in their successive stages alternately, by the one and the other.

In these circumstances, it was by no means obvious and certain, that the chronological order of these two descriptions of proceedings ought to have been broken. After very full consideration, however, a separation has been judged expedient; and accordingly the Acts of Lords Auditors will form the first series. These, in so far as any Record is now preserved, commence in 1466, and terminate in 1494.

In commencing the other series, although it will make part of the same volume, it has been thought expedient to begin a new enumeration of pages; among the reasons for which is the hope of still adding some pages to the *Acta Auditorum*; the propriety of having separate indexes for the two series; and the possibility that some possessors of the book may desire to keep the *Acta Dominorum Auditorum* entirely separate from the *Acta Dominorum Concilii*.

In a very broken series, exhibiting several chasms, the Record of this class of proceedings is continued downwards to 1503,

when the Daily Council for the decision of ordinary causes was instituted; whose proceedings then became intermingled with the former, and are continued without discrimination till the institution of the present College of Justice in 1532. In the course of this last period, and particularly from the death of James IV. the same Record becomes also blended with proceedings of a description generically different, and which, it is considered, would afford materials for a preliminary part to the Register of Privy Council. They do not at all enter into the plan of the volume in question, which will embrace only the proceedings in certain civil causes of that class of Lords of Council, who have been usually described by the Scotch writers as a Committee of Parliament; but who, more accurately speaking, constituted a Parliamentary Commission, for the dispatch of certain kinds of judicial business, during the intervals of different Parliaments.

These very general observations are introduced in explanation of the work. They relate to a subject of very considerable intricacy and obscurity, on which many erroneous opinions have been held, and to the full understanding of which a long discussion would be requisite. That obscurity and intricacy can be dispelled only by a careful examination of those Records, which have been hitherto unexplored by any of the writers on Scottish jurisprudence. * * * *

[In another part of the Appendix to the same Report it is stated,] that the Registers of the decrees of the Lords of Council and of the present Court of Session are one of the main sources from which the materials of a Digest of the Municipal Law of Scotland must be drawn. These registers may be regarded as the great authentic repository of Scottish jurisprudence, in which its rules and maxims might be traced, at least, from the end of the fifteenth century down to the present day. But of the contents of those registers, and of the judicial proceedings and decisions of the supreme Civil Courts of Scotland, prior to the period at which the printed collections of cases begin, in the reign of Charles I. scarcely any thing is known excepting from the very imperfect compilation of Balfour, and from a few

meagre and unsatisfactory reports; and an active period of a century and a half, during which the foundations were laid of much of that law which now prevails, lies hid from the view of the lawyer, in a voluminous and hitherto neglected Record. A small specimen of that Record will be given in the *Acta Dominorum Concilii*, &c. from 1478 to 1494; but the continuation of the work, on the same scale, could not be attempted; and, indeed, the proportion of instructive matter, in so far as the lawyer is concerned, is very small in reference to the bulk of the entire mass. But it is suggested, that from these Records, prior in date to the Restoration, a selection of cases and of extracts might be made, which would prove an invaluable acquisition. The Record alluded to consists of nearly 700 volumes; but it is thought that the parts, which are valuable in the view now suggested, might be comprehended in two, or three, printed volumes, similar in form to the Parliamentary Records.

[The reader who will take the trouble to consult the volume from which the foregoing extracts are made, will find that portions of two important species of the Parliamentary Proceedings of Scotland have been printed—the *Acta Dominorum Auditorum* and the *Acta Dominorum Concilii*. It appears that the resolution to print these Records (Judicial Proceedings in private Civil Causes, held before Committees of different kinds) was formed as long since as the year 1807 (1), and that they were to form a separate series from the Statutes and all other proceedings held in full Parliament (2). It also appears that the printing of this work was soon afterwards commenced, and that it was continued for several years. The Commissioners in their First General Report, dated 2d June, 1812, state that a collection of all the Parliamentary Proceedings of Scotland, whilst a separate kingdom, had been for a considerable time past in preparation, and that, by the advice of the Lords of Session, they proposed to divide this work into three periods; namely, 1. Prior to the accession of King Robert I. A. D. 1306; 2. To the return of

(1) [Reports from Commissioners on the Public Records, Vol. i. p. 170.]

(2) [Ibid. pp. 170, 175, 244, 299.]

King James the First, A. D. 1424; 3. To the Union, A. D. 1707. The materials for the last of these periods they distributed under two principal heads, entitled, I. Acts of Parliament; and II. Acts which are of a judicial nature, which latter are divided into *Acta Dominorum ad causas et querelas audiendas electorum*; and *Acta Dominorum Concilii*. (3)

It appears from the Appendix to this Report that the *Acta Dominorum Auditorum* and the *Acta Dominorum Concilii* were to form one volume; that the series of the *Acta Auditorum* was first commenced, and that from the hope of adding some pages to those proceedings, and from the possibility that some possessors of the book might wish to keep the works distinct, a new enumeration of pages was used for the *Acta Dominorum Concilii*, and it was intended that there should be separate indexes for the two series. (4)

It also appears from the Appendix to the same Report, that in December, 1810, there had been printed of the *Acta Dominorum Concilii* 348 pages; and that in December, 1811, there had been printed of the *Acta Dominorum Auditorum* 375 pages. (5)

The Second General Report from the Commissioners on Public Records contains no notice either of the *Acta Dominorum Auditorum*, or of the *Acta Dominorum Concilii*; and the Appendix to that Report, although not altogether silent, does not afford any satisfactory information. It appears indeed from this Appendix (6), (the Sixth Annual Report of the Deputy Clerk Register, 1812,) it was intended that a volume containing the proceedings of the Lords Auditors of Causes and Complaints in Parliament, during the reigns of James III. and James IV. together with certain contemporaneous proceedings of the Lords of Council, "which had been for some time past finished at the press, with the exception of its necessary Indexes," should appear at the same time with the Second Volume of the Acts of

(3) [Reports from Commissioners on the Public Records, vol. i. p. 7.]

(4) [Ibid. p. 170.]

(5) [Ibid. p. 61. See also pp. 40. 42. 44. 169. 171. 175. The numbers of pages printed of the respective works cannot always be reconciled with the dates of the Reports, or Statements.]

(6) [Ibid. p. 520.]

Parliament; and again, in a subsequent part (Ninth Annual Report of the Deputy Clerk Register, 1815,) that the publication of the work, (there described as a sort of supplementary volume to the great parliamentary collection,) notwithstanding the discovery of some additional matter, was "retarded only by the want of a full *Index Materiarum*, without which its practical utility would be greatly diminished." (7)

With the exception of these two passages, for many successive years we find under the head of Scotland little more than reiterated resolutions "That Mr. Thomson do proceed with more diligence upon the Parliamentary Records of Scotland; and the other works under his superintendence." (8)

In 1816, 1817, and 1818, it is stated that a volume of *Acta Auditorum et Dominorum Concilii* was printing (9); but in 1819 we learn only that the actual state of the works in Scotland "cannot be specified with perfect accuracy; as the Commissioners have been unable to obtain the necessary returns from the Deputy Clerk Register, to whom the superintendence of these works has been committed as their Sub-Commissioner" (10); and the Compiler has discovered, in the printed and manuscript proceedings of the Edinburgh branch of the Record Board (11), no more recent notice of a volume, which, in

(7) [Reports from Commissioners on the Public Records, vol. i. p. 536.]

(8) [Reports from Commissioners on the Public Records, vol. i. pp. 341. 343. 345. 347. 349. 351. 353. 1813—1819. In one year the Commissioners went the extreme length of resolving, "That Mr. Thomson, having neglected to make any Reports since July, 1817, though repeatedly called on so to do, be directed forthwith to transmit such Reports, and to proceed with diligence upon the Parliamentary Records of Scotland and the other works under his superintendence."]

(9) [Reports from Commissioners on the Public Records, vol. i. pp. 346. 348. 350.]

(10) [Ibid. p. 360.]

(11) [The latest notice of the *Acta Auditorum* and *Acta Concilii* in the Reports of the Deputy Clerk Register occurs, according to the compiler's minutes, in the Quarterly Report, September, 1818, in which it is stated that the draught of a complete Index of Matters for the *Acta Auditorum* had been prepared, and that it could be sent to press in the course of the next winter, and that a

conjunction with the corresponding volume of the *Acta Parliamentorum Scotice*, was intended to exhibit "all that now remains, and has been discovered, of every class of Parliamentary Record, during the period to which it relates" (12).

Mr. Caley, whose attention was drawn to the subject of the *Acta Dominorum Auditorum* and *Acta Dominorum Concilii* early in the present year (1831), had totally forgotten that such a work had ever been undertaken, and is unable to furnish any tidings respecting it; and the Compiler has repeatedly and earnestly, but he regrets to add unsuccessfully, applied for information in that quarter where alone it can be correctly and satisfactorily obtained.]

similar Index to the contemporaneous *Acta Concilii* might then be framed with great facility.

In a return made to the House of Commons in 1829, the *Acta Auditorum* and *Acta Dominorum Concilii* are classed with the printed works of the Record Board.—*Sessional Papers—House of Commons, Public Records, 24th June, 1829.*] (12) [Reports from Commissioners on the Public Records, vol. i. p. 520.]

CHAPTER XXVI.

ROYAL CHARTERS OF SCOTLAND.—ABRIDGMENT OF THE RECORDS OF CHARTERS, OR REGISTER OF THE GREAT SEAL OF SCOTLAND.—RECORDS OF THE PRIVY COUNCIL OF SCOTLAND.

PLAN OF THE COLLECTION OF ROYAL CHARTERS OF SCOTLAND

[*From the Appendix to the First General Report from the Commissioners on Public Records.]*(1)

As an introductory part, it is proposed to prefix to this work, certain Instruments and Inventories relative to the Public Muniments, which existed in Scotland towards the close of the Thirteenth Century, at the period of the competition for the Crown between Baliol and Bruce. These Instruments and Inventories have been preserved in the Record Offices in the Tower of London, and the Chapter House of Westminster Abbey. They contain the most authentic evidence that remains of the nature and extent of the Public Records of Scotland prior to the accession of Robert I., and are, on many accounts, highly curious and valuable. In 1774 they were published by Sir Joseph Ayloffe, in a very defective and inaccurate state, and were again reprinted from Ayloffe's work in the Introduction to the Index of Royal Charters, published

(1) [*Ninth and Seventeenth Quarterly Reports of the Deputy Clerk Register to the Commissioners on the Public Records.*]

at Edinburgh in 1798 (2). In the Autumn of 1806, the whole were very carefully transcribed; and it is intended to present them to the Public in a more complete and accurate state than in the publication above referred to. They ought, of course, to be accompanied with a succinct Narrative of Facts connected with the removal of the Scottish Records from the Public Archives of the kingdom in 1292, and their partial restoration in 1296 (3). • • •

Of the Rolls of Charters granted by Robert I., only one is preserved in the General Register House, although there remain Office Calendars of no less than Twenty-four Rolls. From the same set of Calendars it appears, that there formerly existed above Forty Rolls of Charters, granted by David II., all of which are lost; and the only Record of the Charters of that reign now extant is a part of the First Book of the Register of the Great Seal, which contains a transcript, nearly contemporaneous, of a few of the Rolls. Of the Records of the succeeding reign of Robert II. scarcely any part indicated in the Calendars appears to be wanting; but of Six entire Rolls of the reign of Robert III. only One is now extant. It is now out of all hope that this loss should ever be repaired, yet it has appeared of great importance to collect from Original Charters in private custody, and from well-authenticated Transcripts, such materials as might, in some degree, supply the vast chasm, that has been made by time, or by accident, in this class of the Public Records of Scotland. In this work considerable progress has been made. From the Chartularies of Religious Houses, and

(2) The minute errors of Ayloffe's publication are very numerous. Among the more considerable defects, it may be mentioned that, of the largest inventory, containing a specification of the Records restored to John Balliol in 1296, one half is entirely omitted. See p. 336.

(3) Prior to the publication of Ayloffe's Calendars, the late Lord Hailes had perused these Catalogues of ancient Monuments, in a copy which at present in the possession of Mr. Thomson.

of Bishopricks, preserved in the Advocates Library and in other Repositories, many Charters of Robert I. and David II. have been obtained. From a Manuscript Collection made by Thomas, first Earl of Hadinton, Lord Clerk Register, in the Reign of James VI., and now deposited in the Advocates Library, many of the more curious Charters of Robert I. and a few of David II. have been taken. Lord Hadinton's Collection bears evident marks of having been copied from the Rolls of Charters indicated in the old Calendars, and now lost or destroyed. From these sources alone a very valuable Supplement might be formed; but a more copious, and evidently a still more authentic source, yet remains in the repositories of Original Charters. Of this description are the Charters to Royal Burghs, Universities, and other Corporate Bodies, as in themselves the most important as well as the most easily accessible. In the Charter Chests of private individuals a still greater mass of authentic materials must be preserved, and might, with due pains, be brought to light; but it must at once be obvious, that an extensive and minute investigation of this nature could not be accomplished, even under the most favourable auspices, but at the expense of many years' active industry and unremitting labour. * * *

The plan of this Collection of Charters was partly suggested by those Calendars, or Indexes, of the Rolls of Robert I., David II., and of Robert II. and III., which appear to have been framed about the beginning of the Seventeenth Century, one of which was printed by Lord Frederick Campbell in 1798(4). In these are inserted the contents of Fifty-one Rolls of Charters not now existing in the General Register House, and of the fate of which no traces are preserved. And had the researches for these lost Records been as successful as was earnestly

(4) [Robertson's *Index of Records of Charters*. See post, p. 235.]

to have been wished, it might at first have been concluded, that the Register of the Great Seal for that period had been restored to its original integrity. But the communication of Original Charters, made in pursuance of the Resolutions of his Majesty's Commissioners, has led to a very different inference. Of these Charters the proportion, which is found entered in the old Indexes, or Calendars, does not exceed one half, and it is therefore impossible to doubt, that either the Record must have been originally defective to that extent, or that at least one half of it had been lost prior to the end of the Sixteenth Century, when those Calendars were framed. The second of these alternatives is certainly the most probable, and the consideration of it cannot fail to suggest additional motives to perseverance in the attempt to supply the chasms of the existing Register by those means, which yet remain within reach (5).

(5) [The *Annual and Quarterly Reports of the Deputy Clerk Register* contain notices of many original Charters communicated by Public Bodies, and by private individuals. The following extract is drawn from that source.

" The ancient Chartularies and other Monuments of the Church of Glasgow were carried to France by Archbishop Beaton at the era of the Reformation, and were deposited in the Library of the Scots College, and in the Charter House at Paris. Of these Chartularies and Original Charters select Transcripts have been made at different times, under the direction of the Heads of the College, and presented to the City, and to the University of Glasgow. At an early period of the proceedings in execution of the Orders of the Board (May 7, 1806,) for obtaining and transcribing all such Royal Charters as may be found to exist either in public, or in private, Repositories, and which are not at present to be found in the Register of Charters in the General Register House, these authenticated extracts from the ancient chartularies of Glasgow were very liberally communicated by the City and the University for the use of the Record Commission, and all the royal Charters, which they contained, were then copied. It was then feared that these ancient Chartularies had perished in the general wreck of the property of the Scots College during the French revolution, and that their loss had unhappily given to the copies the character and value of originals; but it has since been ascertained, that by the patriotic and

[The Record Board gave directions for printing the ancient Royal Charters of Scotland, as long since as the year 1801(6), and these directions were repeated in the years 1802, 1803, and 1804(7). These Charters (as well as the Parliamentary Records) were to be printed in a form and type similar to the Parliament Rolls of England, and each volume was to contain from 800 to 1000 pages. (Order of the Board, 19th December, 1800). In 1806, the Board, observing that no step had been taken towards the printing of such Charters, ordered that Mr. Thomson, who had been recently appointed to the newly-created office of Deputy Clerk Register, and who had also been nominated a Sub-Commissioner, should report to the Board concerning such Royal Charters of Scotland, as in his judgment it would be expedient to have printed(8).

It appears from the annual and quarterly Reports of the Deputy Clerk Register, that it was intended to divide the collection of Royal Charters into three periods.—1. Prior to the accession of King Robert I. 1306.—2. From the accession of King Robert I. to the return of King James I. 1424.—3. From the return of King James I. to the Union, 1707.

Considerable progress appears to have been made in the transcription of Charters belonging to the first period, which

fortunate exertions of Mr. Macpherson, one of the Members of the College, the ancient Chartulary in two volumes, together with other MSS. of value, were saved and brought into this country. Of these, a part, including the Chartulary, were for a time deposited in the custody of Mr. George Chalmers, to whose historical researches they have proved eminently subservient; and by the favour of that gentleman, prompted by his ardour and liberal zeal for the success of those measures, which his Majesty's commissioners had undertaken, these invaluable Records were entrusted to Mr. Thomson. Upon a careful examination it has been found, that these two volumes contain various Charters and Instruments not included in the modern selections above alluded to; and on the other hand, that these selections contain several ancient Charters copied from the Originals deposited in the Scots' College, which had not been included in the Chartularies."—*Reports from the Commissioners on the Public Records*, vol. i. p. 168.]

(6) [Reports from Commissioners on the Public Records, vol. i. p. 22.]

(7) [Ibid. pp. 24. 26. 28.]

(8) [Ibid. p. 199.]

were for the most part selected from the Registers of Bishoprics and Religious Houses, and from originals in the archives of Royal Burghs, and of ancient families; but the compiler is not aware that any portion of this series of the Royal Charters has been printed.

The earliest remaining Records of Royal Charters belonging to the second period, contained in twelve Rolls and one book, have been printed under the title of *Registrum Magni Sigilli*. (*See a subsequent page.*) To this work it was intended to publish a supplement, drawn from the same sources as those mentioned for the first period, and also from some authentic transcripts of Charters now lost, and a large collection seems to have been made of manuscript materials, but it is believed no portion was ever sent to press.

With respect to the third period, the compiler is ignorant what measures have been taken. (9)]

[The foregoing information respecting the projected collection of the Royal Charters of Scotland, is (with the exception of a passage in a Return made to the House of Commons, of the works in progress under the direction of the Record Commissioners) all that the compiler has been able to discover in the published Proceedings of the Record Board. It appears from the Manuscript Quarterly Reports of the Deputy Clerk Register, and other documents, that the Commissioners thought it right, in the month of June, 1815, to suspend the prosecution of all the works on the Scotch Royal Charters, and that it was not until the month of June, 1824, that in consequence of the earnest solicitation of the Deputy Clerk Register, they gave the necessary authority for the resumption of that undertaking: and it seems to have slowly, but satisfactorily, advanced from that period, until its progress was again reluctantly, but necessarily, interrupted, by an order of the present Record Board. The Quarterly Reports show that the last few years have produced

(9) [See *Reports from Commissioners on the Public Records*, vol. i. pp. 40. 42. 61. 166. 175. 214. 281. 344.]

some valuable additions to the collection; amongst these are the ancient original Charters of the Abbey of Melrose, which the Lord Clerk Register was so fortunate as to acquire by purchase, for the use of the public, and which are now deposited in the General Register House. The instruments are in general in fine preservation, and comprehend many Royal Charters from David I. down to James V. These Charters are said to furnish more precious materials for the elucidation of the historical and legal antiquities of Scotland, than any other similar collection. The ancient Charters obtained from the archives of the Earldom of Morton, form part of the above-mentioned accessions, and seem hardly to yield in importance to the Charters of the Abbey of Melrose. They are said to include many interesting Charters of the powerful family of Douglas, which tend to illustrate general history as well as the private history of the house to which they more immediately relate. There are certain obscure points in the latter, from the middle to the close of the fourteenth century, upon which it is expected that the Morton Charters will reflect considerable light. (10)]

ABRIDGMENT OF THE RECORDS OF CHARTERS, OR REGISTER OF THE GREAT SEAL.

[*From Appendix to First General Report from the Commissioners on the Public Records.*]

[The Annual and Quarterly Reports of the Deputy Clerk Register give many details respecting another work, in the

(10) [The following is the passage in the Return to an order of the House of Commons, mentioned in the preceding page "Collection of Ancient Royal Charters.—Of this work a part is already printed,* which is intended ultimately to form the first part of the second volume of a work, which will extend to three volumes in folio. The expense of printing the portion of this work above alluded to exceeded 1,000*l.*, but if the number of copies should be reduced from a thousand to five hundred, the expense of the whole, that remains to be executed, would probably not exceed 2,000*l.* The expenses of transcription and other editorial expenses would amount to at least an equal sum. From the peculiar nature of the work, four, or five, years would still be required for its completion." —*Sessional Papers, House of Commons, Record Commission, 12 June, 1829.*]

* [The *Registrum Magni Sigilli.*]

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compilation of which considerable progress appears to have been made.]

From its intimate connection with the proposed collection of Royal Charters, notice must in the next place be taken of the intended *Abridgment of the Records of Charters*, or *Register of the Great Seal*, from its commencement down, at least, to the end of the seventeenth century, or to the Union of 1707. In the period commencing at the accession of Robert I. and ending with the return of James I. this abridgment will comprehend not only an abstract of the existing Record, but also an Index, or Calendar, of those Rolls of Charters, which are now lost, compiled carefully from the several Official Calendars, or other Abridgments, which have been preserved. In the succeeding period, from James I. downwards, although the Record be imperfect, no existing Abridgments or Calendars are known from which the contents of the last volumes might be ascertained.

This work has been justly considered as one of great public utility and importance, not only as it must facilitate the researches of individuals in this voluminous Record, but as it may be made to embrace and convey much interesting information of a more general nature. In framing the plan on which the work is to be conducted, endeavours have been made not to lose sight of any of those useful objects to which it may be made subservient. These objects, it is conceived, were chiefly the following:—First, to ascertain the Descent and Transference of Landed Property.—Secondly, to ascertain the Existence and mutual Relation of Individuals, and to exhibit, or illustrate, the Genealogy of Families.—Thirdly, to verify historical Facts and Dates, either directly referred to, or incidentally connected with other Facts and Dates specified in the Charters.—And, Fourthly, to illustrate the legal Rules, Usages, and Phraseology of former Times, with which those of modern Jurisprudence are so intimately connected. Of these, the two former may be regarded as the more direct and practical objects to be aimed at in an Abridgment of Charters; the two latter, as the more permanently important and interesting; but the attainment of them all seems, fortunately, to be within reach, and has, it is trusted

been effectually provided for, without the hazard of inconvenience from extending the work beyond moderate bounds.

As the order of the Charters in the Record is often desultory and unaccountably irregular, it has been found expedient to arrange the abridgment in the order of time; but no further classification of the contents of the Record seems to be necessary, or proper. In abbreviating each particular Charter, or Grant, the name and addition of the grantee, and the description of the subject of the Grant are given in the precise words of the Record, divested, however, as much as possible, of unimportant expletives and tautologies;—the occasion of the Grant, if connected with any remarkable circumstance, or historical event, is briefly noticed;—the mode and limitation of the tenure, if at all peculiar, or curious, is preserved;—and, lastly, the witnesses, at least in the Charters of the fourteenth and fifteenth centuries, are either inserted, or indicated by a reference to some preceding article in the abridgment. It would be unnecessary here to enter into any farther detail of the mode of execution, which is followed in this work, or of the varieties in technical form, which are prescribed by the peculiar structure of different sorts of Royal Charters. It remains only to add, that throughout the whole, the peculiar phraseology of the originals has been carefully followed, with the single alteration, in form, of the first into the third person,—an alteration which has been found conducive at once to the brevity and perspicuity of the abridgment.

[A specimen of the *Abbreriatio Registri Magni Sigilli* was printed about the year 1811. The compiler can discover no mention of the work in the printed Reports subsequent to the year 1812(11). From other sources it appears that the prosecution of it was suspended in the interval from 1815 to 1824(12). In September, 1824, Mr. Thomson stated to the Record Board —that this work was intended to embrace an exact, but brief, account of every Charter remaining on record in the Registers

(11) [See *Reports from Commissioners on Public Records*, vol. i. pp. 44. 166, 167. 175. 215, 216. 282.]

(12) [See *ante*, p. 230.]

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of the Great Seal, from its present commencement in the reign of King Robert Bruce, down, perhaps, to the end of the reign of King James the Sixth; exhibiting the Charters of each reign exactly in the order of their respective dates, without any regard to their accidental transposition in the existing Record.—That he had lately given to the work the best consideration in his power, in the view chiefly of preserving all, that is valuable, or curious, to the exclusion of superfluous and uninstructive matter.—That in the general structure of the abridgment, he had not found it necessary to make any important change, but in several more minute details it had received some improvement, and in technical arrangement it had been rendered somewhat less bulky than before, and he submitted to the Board a specimen of the work in this altered state.(13)

In the last Quarterly Report (March, 1831) made to the Board by the Deputy Clerk Register, he states, that it appears to him that this abridgment, in the form hitherto followed, may be fitly terminated in the reign of James VI., and that for the subsequent part of this voluminous Record, a short tabulary Index may be sufficient for ordinary purposes. He adds, that in consequence of the very numerous alterations and additions introduced on the first draught of the work, it has become absolutely necessary to have the whole recopied before it can be entrusted to the printer(14).]

(13) [It is stated in a Quarterly Report, December, 1824, that some additional sheets had been set up by the printer, "for the purpose of more deliberate consideration before the work shall be finally committed to the press."]

(14) ["Abridgment of Register of the Great Seal.—The compilation of this work has been in regular progress since the year 1824, its probable extent, when printed, has been calculated at two closely-printed volumes in folio, on the supposition of its being brought down to the Union in 1707. The state of the actual compilation, however, which comes down only to the reign of Queen Mary, renders this conjecture uncertain. Several years, not less than four, must be required to complete the Abridgment, but in the mean time it will be sent to the press, and on the supposition of its amounting to two closely-printed volumes of 700 pages each, the expense of printing may be estimated at 3,000*l.*, and the other editorial expenses at from 1,600*l.* to 2,000*l.*"—Sessional Papers, House of Commons, Record Committee, 12 June, 1829.]

[*Robertson's Index*, mentioned in former parts of this compilation, (see part i. p. 306, and part ii. p. 227,) seems to have been of great utility in the formation of this Abridgment, or Abstract, of the Royal Charters. Its title is as follows:—*An Index, drawn up about the Year 1629, of many Records of Charters, granted by the different Sovereigns of Scotland between the Years 1309 and 1418, most of which Records have been long missing. With an Introduction, giving a State, founded on authentic Documents still preserved, of the ancient Records of Scotland, which were in that Kingdom in the Year 1292. To which are subjoined, Indexes of the Persons and Places mentioned in those Charters, alphabetically arranged. Published at the Desire of the Right Honourable Lord Frederick Campbell, Lord Clerk-Register of Scotland. With a View to lead to a Discovery of those Records which are missing.* The utility of this Index, and of two similar manuscript Indexes, will be best explained by the following extract from a detailed Report of the Deputy Clerk Register, made to the Record Board in the year 1807. “It is known that many Records of Charters of the reigns of Robert I., David II., and Robert II. and III., which were extant in the reign of Charles I., have since disappeared, without leaving behind them any traces of their fate; and the loss of them may be ascribed to some of those rude accidents and hazards to which the Public Records of Scotland were exposed during the latter half of the seventeenth century. Of these Records of Charters, certain Calendars, or Indexes, appear to have been formed by the officers in whose custody they were kept; and a copy of one of these, drawn up about the year 1629, was discovered some years ago among the manuscripts in the Harleian Library; and in 1798 was published, by the late Mr. William Robertson, at the desire and expense of the Lord Clerk Register (15). The contents of this Index, or Abstract, in spite of the very meagre form in which it is drawn up, and the numerous inaccuracies by which it is obscured and deformed, are highly valuable and interesting; and it thus

(15) [See account of the Official Proceedings of Lord Frederick Campbell, p. 6, and pp. 10—12.]

becomes a most desirable object to improve and enlarge it by means of all the materials yet within our reach. Some originals, and a very considerable number of authentic transcripts of Charters contained in the lost Rolls, have been found, and have been entered in the collection of Royal Charters already alluded to. From these, of course, many corrections of the Abstract may be derived; but, independently of these, I have been already fortunate enough to meet with two other Calendars, or Abstracts, of the same Records, by a collation of which, with the Index of 1629, many gross errors have been corrected, and many important additions have been obtained. One of these appears to have been compiled in the latter part of the sixteenth century, and was very liberally communicated to me, for the public use, by George Chalmers, Esquire. The other makes part of a large collection of Transcripts and Abstracts from the Public Records, made, as has been supposed, under the inspection and for the private use of Thomas, First Earl of Haddington, Clerk Register in the reign of King James VI., and which is now deposited in the library of the Faculty of Advocates. Although the abstracts in this collection are not made with extreme accuracy, yet are they in many instances more copious than either of the two other Calendars, and on this account peculiarly valuable. I scarcely need to add, that from these materials, it will now be easy to exhibit a more complete Abstract of many of the lost Rolls, or Charters, than that which was printed in 1798." (16)

There is in the Library of the Faculty of Advocates, an Abridgment of some of the earliest volumes of the Record of the Great Seal, of which the following account is given in the same Report of the Deputy Clerk Register. After noticing that the labour of a new abstract would be considerably alleviated by means of some former works of a similar kind, Mr. Thomson observes, "the most considerable of these is an Abridgment of

(16) [Reports from the Commissioners on Public Records, vol. i. p. 214. Mr. Nicolas observes, that not only is Robertson's Index very useful in reference to the Royal Charters of Scotland, between 1306 and 1424, but that the Introduction to the volume presents much information on the Records of that Kingdom.—Nicolas, on the Public Records, pp. 117—120.]

about twenty of the earliest volumes of the Record of the Great Seal, drawn up under the inspection and at the expense of the late Walter Macfarlan, of Macfarlan, Esquire, a gentleman of eminent acquirements as a Scottish antiquary, and who appears to have been fully aware of the value of this branch of the Public Records. It cannot, however, be adopted as an exact model of the proposed Abstracts of these Records, being in some instances too brief, in others too copious. Charters, which did not appear to be of peculiar importance, are mentioned very slightly; while, on the other hand, those, that were accounted more curious and interesting, are quoted at great length, and with very little abbreviation, or omission. The compiler had thus attempted inartificially to combine what I have already suggested, as fit subjects of two separate works; namely, a concise Abstract of all the Charters, for the purposes of Reference to the Record, and of more slight Investigations; and a separate selection of the more valuable, as illustrative of Constitutional and Municipal Jurisprudence." (17)]

PLAN FOR PUBLICATION OF THE RECORDS OF THE PRIVY COUNCIL
OF SCOTLAND.

[*From the Appendix to the First Report from the Commissioners on the Public Records.*]

Without here entering into any discussion concerning the original establishment and constitutional powers of the Lords of Council, as to which the prevailing opinions are not very accurate, it may be enough for the present purpose to mention, that although their primary and proper function was the determination of certain civil causes in the last resort, yet that being usually persons of great influence in the court of the reigning king, they were, at the same time, often called upon to act in the capacity of a privy council, in matters connected with the political relations and executive government of the country. This appears to have been more remarkably the case during the

(17) [Reports from Commissioners on the Public Records, vol. i. pp. 214, 215.]

long minority of King James V. a period of violent and almost uninterrupted political dissension ; and in all the important acts of the government, the Lords of Council seem to have held, or assumed, a very leading part. Although the proceedings of this last description are of a kind very easily distinguishable from their decrees and orders in a judicial character, yet in a very rude and inartificial manner (of which there are other examples) the whole is blended together in one continuous record.

From the very small proportion in bulk which these public matters bear to the mass of proceedings in civil causes, with which they are thus surrounded and encumbered, the former, though in themselves of the most essential importance to the history of the kingdom, have been hitherto entirely overlooked ; nor does it appear that any of the constitutional historians, or antiquaries, of Scotland have ever thought of exploring a Record, which had become almost illegible from decay, and which was erroneously believed to comprehend only the decisions of an abrogated court of law.

As there exists no separate Register of Privy Council prior to the reign of Queen Mary, and as the books of the Lords of Council appear thus to furnish the only appropriate materials for supplying that defect, a transcript was made of all such entries in these books as have a reference to affairs of a public, or political, nature ; and it will give a general idea of the extent of this selection to mention that the transcript fills about 1300 pages in folio ; and it is submitted there can be no doubt of the propriety of printing this selection as a preliminary part of the separate Register of Privy Council, the publication of which has long been regarded as a great desideratum. Hitherto the lawyers and historians of Scotland have been in possession of only a few scanty excerpts from that Register, published by Anderson, (18)

(18) [James Anderson, the Compiler of the *Diplomata Scotiae*. (See post, p. 263.) Anderson also published the following works :—*Collections relating to the History of Mary, Queen of Scotland*, containing a great number of Original Papers never before printed ; also a few scarce Pieces reprinted, in four vols. 4to. : and *An Historical Essay*, shewing that the Crown and Kingdom of Scotland is imperial and independent, wherein the gross Mistakes of a late

Ruddiman, (19) and Keith; (20) yet it may be stated with confidence, that scarcely any part of the Records of Scotland could better serve to illustrate the policy and government of the kingdom during the sixteenth and seventeenth centuries. Even with all the pains that can be bestowed on it, the Register of Privy Council will now appear in a very mutilated state; for notwithstanding its manifest importance, it has sustained greater and more irreparable injuries from neglect and violence, than even from time; but such as it now remains, it is submitted that it ought to be given entire to the public.

* * * * *

Book, intituled *The Superiority and direct Dominion of the Imperial Crown and Kingdom of England over the Crown and Kingdom of Scotland, and of some other Books to that purpose, are exposed; with an Appendix, containing the Copies of some Writs and Seals, which illustrate this Subject.*]]

(19) [Ruddiman edited the *Epistola Regum Scotorum*. (See post, p. 291.) It is announced in the title-page to the second volume—" Huic volumini in calce subjuncta est Appendix quorundam Actorum publicorum, Historiam Scoticam, per primum ferè Mariæ Reginæ quinquennium magnopore illustrans." Ruddiman also published *A Dissertation concerning the Competition for the Crown of Scotland, betwixt Lord Robert Bruce and Lord John Baliol*, in the year 1291; wherein is proved, that by the *Laws of God and of Nature, by the Civil and Feudal Laws, and particularly by the fundamental Law and Constitution of Scotland*, at that Time, and ever since, the Right of Robert Bruce was preferable to that of John Baliol. In Answer to the Author of a late Pamphlet, intituled, *the Right of the House of Stewart to the Crown of Scotland considered*, to the Reverend Mr. Logan's two Treatises on Government, and to three anonymous Papers in the Scots and British Magazines. With an Appendix, demonstrating that the Claim said to have been made to the Crown of Scotland, by William, first Earl of Douglas, anno 1371, is without Foundation.]]

(20) [Robert Keith is the author of the following works:—*The History of the Affairs of the Church and State of Scotland, from the beginning of the Reformation, in the reign of King James V., to the Retreat of Queen Mary into England*; taken from the Public Records, and other authentick Vouchers. There is an Appendix containing the Original Papers and Records, with other Documents, mentioned and referred to in the foregoing History.—*A large new Catalogue of the Bishops of the several Sees within the Kingdom of Scotland, down to the year 1688*. Instructed by proper and authentic Vouchers; together with some other things necessary to the knowledge of the Ecclesiastical State of this Kingdom in former times, as also a brief Preface concerning the first planting of Christianity in Scotland, and the State of that Church in the earlier ages.]]

These Records (those of the Secret, or Privy, Council) are chiefly of two kinds ;—proceedings in matters of state ;—and proceedings in matters of private right. From the latter, many interesting articles might be selected ; but it is to the former that the chief attention ought to be directed : and it may be asserted, without any fear of contradiction, that the genuine history and state of Scotland, its policy and manners for two centuries, which preceded the Union in 1707, must continue to be very imperfectly understood till these Records are given to the public. The existing series of separate Registers of Secret Council begins in 1545 ; but at a still earlier period, those Records, which are called Books of the Lords of Council, and which consist chiefly of judicial decisions, have been found to contain many proceedings in matters of state, more particularly during the minority of James V., by which very important lights are reflected on the history of Scotland. These proceedings, from the year 1478 to the year 1532, have been selected and transcribed from the books in which they lie scattered, and would form a valuable preliminary part to the more regular series of Registers beginning in 1545.(21)

(21) [Several volumes of the Privy Council Proceedings appear to have been transcribed for the press “ in the view of their entire publication ;” and a Return made in 1829 to the House of Commons, enumerates a *Selection from the Records of the Privy Council amongst the works preparing for the press in Scotland.—Sessional Papers, House of Commons, Record Commission, 12th June, 1829.]*

CHAPTER XXVII.

THE ACTS OF THE PARLIAMENTS OF SCOTLAND.

[*From the Preface to the Second Volume.*] (1)

THE Acts of the Parliaments of Scotland contained in this volume, have been drawn chiefly from Records preserved in his Majesty's General Register House, but partly also from other sources, of inferior authority indeed, yet of sufficient authenticity and purity to warrant the use, that has been made of them in the compilation of this work. The original Records of the Parliaments of King James I. and of King James II. do not now exist, and

(1) [As long ago as September, 1811, various ancient MSS. of Statutes, which it was intended should form part of the first volume, and which are preserved in the Library of the Faculty of Advocates, the Library of the University of Edinburgh, and the Harleian Library, had been examined, and partly transcribed and collated with each other, and with the edition of those Statutes published by Parliamentary authority, under the care of Sir John Skene, Clerk Register, in 1609; and other Statutes and Parliamentary Proceedings belonging to a later period, but which are in like manner destined for the first volume, and of which the original Record is preserved, or of which authentic copies have been discovered, had been transcribed, and were nearly in readiness for the press.—*Reports from Commissioners on the Public Records*, vol. i. p. 171.

The preface to the second volume bears date 25th November, 1814, and the fly-leaf announced that the first volume would be published in March, 1816; and in the eighth Annual Report of the Deputy Clerk Register (1814) (*Reports from Commissioners on Public Records*, vol. i. p. 533,) there is a similar announcement:—"the first volume will be put to the press in the course of a few months, and its completion is expected in the spring of 1816."

It is well known that the first volume of this authentic edition of the *Acta Parliamentorum Scotie* did not make its promised appearance in the spring of 1816, and that the fortunate season, destined to give birth to this long-expected volume, has not yet arrived. * * *

probably had been lost before the first printed publication of the statutes of those reigns, in the Collection of 1566. That Collection was made under the direction of certain royal commissioners, who had complete access to the public archives of the kingdom; and if the Parliamentary Records of those reigns then had existed, it must be presumed that the compilers would have drawn their materials from that source. But this part of their work furnishes intrinsic evidence, that the statutes of King James I. and of King James II. had been taken, not from the original Records, but from imperfect transcripts, or compilations, such as are known to have been common before the publication of any printed edition, and some of which are still extant. The more ancient of these manuscripts have been examined and collated, and by their diversities of reading have afforded the means of detecting numerous errors in the edition of 1566; while, at the same time, they have been found to exhibit a coincidence in the general plan of compilation, as well as in many minute and accidental circumstances of arrangement and transcription, which sufficiently exposes the secondary nature of the sources from which the compilers of that edition had been forced to derive their materials. An account of the age, authority, and contents of the several manuscripts which have been the subject of this collation, will be found in the preface to the first volume; but for the purpose chiefly of their future identification, engraved specimens of them are here given. Of the uses to which they have been applied, it may be enough for the present to state, that the edition of 1566 having been assumed as the surest and most authoritative basis of an accurate text, the manuscripts have been constantly resorted to as useful correctives, and have furnished the means of supplying some omissions and mutilated passages, of amending many smaller errors, and of reducing the language and ortho-

graphy of the whole to a state more nearly approaching the mode and fashion of the age to which those statutes belong.

Among the Acts of the Parliaments of King James I., the only additions to be found in this work are the 6th, 9th, 14th, and 27th Acts of the Parliament, May 12, 1424; the 9th and 10th Acts of the Parliament, 1429; and the 3d Act of the Parliament, 1431. The additions made to the Acts of the Parliaments of King James II. are not more considerable, being two Acts of a General Council in 1438, one of which has been taken from an original Instrument, the other from one of the above-mentioned manuscripts, and an Act of the Parliament, 1449, respecting the power of Bishops to bequeath their goods by testament, taken from the ancient chartulary of the priory of St. Andrew's. To these may be added, eight statutes of former Parliaments which appear to have been under the consideration of the Parliament, 1449, and probably were then reenacted, but of which only the first and eighth are inserted in the former editions, and are there given as original Acts of that Parliament.

The original Parliamentary Records of the period comprehended in this volume begin in the reign of King James III.; and for the year 1466 downwards, a voluminous, but not unbroken, series of books has been preserved. In these Records many statutes, as well as many Acts and proceedings, are preserved, which have not been printed in any former collection; at the same time they exhibit innumerable defects, the greater part of which can be but imperfectly supplied. For the statutes of various Parliaments in the several reigns from King James III. to Queen Mary, of which the Records are lost, recourse has been had to the edition of 1566, as affording the most authentic remains of a genuine text; and in some of those instances, the printed edition has been collated

with the manuscripts already alluded to, and with other written copies of still later date. From these sources have been taken the statutes of the Parliament, May 9th, 1474; and the last eight Statutes of the Parliament, March 22, 1481; and several clauses have been added, upon the same authority, to some of the Statutes of the Parliament, February 24, 1481. The Records of the Parliament of King James IV., in the years 1493, 1496, and 1509, do not exist, and the Statutes of those Parliaments have been taken, in like manner, from the printed edition and the manuscripts. The defects of the Parliamentary Records in the reign of King James V. appear to be less considerable; the Acts of a Parliament in 1515, and of another in 1522, being the only instances of addition derived from the sources above referred to. But among the statutes of that reign, as given in all the printed editions, there is to be found an unwarranted interpolation, which has been here rejected. After the Act of the Parliament, May 27, 1532, establishing the College of Justice, there are introduced into those editions, as proceedings of the same Parliament, a series of Acts of the Lords of Council and Session, and a royal ratification of those Acts of which the originals remain on record in the books of that Court, but which, either among the Records of Parliament, or in a compilation of genuine Parliamentary proceedings, could have no place. The original Records of the Parliaments of Queen Mary are remarkably defective; from the month of June, 1548, to the end of the reign, they are now entirely lost, with the exception of a Parliament in November, 1558, and of another in April, 1567. The Statutes of the intermediate Parliaments have been supplied from the edition of 1566, collated with the written copy of nearly the same date.

With the proceedings of the three Estates in full Parliament, in the reigns of King James III. and of King

James IV., from the year 1466 to the year 1494, have been blended in the Record, the judicial Acts and Proceedings of Committees of Parliament known by the designation of "The Lord Auditors of Causes and Complaints." (2) These last proceedings, it has been judged expedient to detach from the former, and to publish in a separate volume; together with the contemporaneous and analogous proceedings of "The Lords of Council." (3) To exhibit the connexion of the sittings of the Lords Auditors with those of the three Estates in Parliament, by whom they were appointed, as well as for the various purposes of reference from the one to the other, a table of the relative dates of both will be found in that volume.

To the Acts of the Parliaments of each reign has been annexed an *Appendix* of certain Acts and Instruments, which could not with propriety be blended in the preceding series; (4) but in the chronological table of the con-

(2) [*Acta Dominorum Auditorum.*]

(3) [*Acta Dominorum Concilii.*]

(4) [In all the volumes of the Acts of the Parliaments of Scotland, there will be found a great variety of interesting and valuable Instruments and Documents, besides the Statutes of that kingdom. The nature of these Instruments and Documents will appear from the following passages, extracted from the Prefaces to the different volumes:—

"During the period comprised in this volume, frequent conventions of the estates of the kingdom were held in the intervals of successive Parliaments, the proceedings of some of which have been preserved among the Records in his Majesty's General Register House. On account of their intimate connection with the proceedings of the three estates in Parliament, as well as of their intrinsic importance and near approach to legislative authority, they have been here introduced at their proper periods as Appendixes to the Acts and Proceedings of Parliament."—Vol. iii.

"The general conventions of the estates of the kingdom holden during the latter half of the reign of James VI. were frequent, and such of their proceedings as have been preserved either in a separate and peculiar Record, or in the Registers of the Privy Council, have, as in the preceding volume, been introduced as Appendixes to the Acts of the particular Parliaments with which they are respectively connected, either by their dates, or by the matters to which they relate."—Vol. iv.]

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tents of the volume, these articles are set down in the order of time, and the particular sources from which they have been drawn are there specified.

[Extracts from the Prefaces to vols. v. and vi. of the Acts of the Parliaments of Scotland will be found in a subsequent page.]

["In the Appendix are contained a series of the Minutes of Proceedings in the Sessions of Parliament, 1661 and 1669, interspersed with some Original Documents there referred to, and another series of unrecorded Documents and Proceedings in the Sessions of Parliament, 1662 and 1663, the Original Minutes of these two Sessions not having been found in the Public Archives. Among the Documents included in the Appendix are certain Original Proceedings in cases of Forfeiture for Treason."—Vol. vii.

"In an Appendix have been printed the Original Minutes of the Parliament Proceedings where these have been found, together with such other Original and Authentic Documents as had been excluded from the principal Records. The Minutes of Proceedings in the Parliaments, 1685 and 1686, are not preserved; but in the Parliament of 1685, the Decrees in cases of Forfeiture for Treason have been recorded in a separate Book. These Decrees, with other relative and Original Documents not entered in the Record, have also been placed in the Appendix."—Vol. viii.

"During the interval between the Meeting of the Estates of the kingdom in March and April, 1689, and the Session of Parliament in June thereafter, the regulation of Public Affairs was devolved on a Committee of Noblemen, Barons and Burghesses, appointed for that purpose by the Meeting of the Estates, whose sittings commenced on the Twenty-ninth day of April, and were continued to the Twenty-third day of May. The recorded Acts and Orders of this Committee have been printed in the Appendix to this Volume as a connecting link between the Proceedings of the Estates and those of the subsequent Parliament."—Vol. ix.

"In the Appendix to this volume will be found the Minutes of the Proceedings of the several Sessions of Parliament during the period, which it embraces, together with some of the Documents therein referred to. These have been taken from the authenticated originals preserved in the General Register House. In the year 1692, the Burghs Royal of Scotland adopted certain measures, which had for their object to communicate to the Burghs of Regality and of Barony throughout the Kingdom, the benefit of their exclusive privileges of Trade, upon the condition of being relieved of a tenth part of their usual proportion of Public Taxations. These measures were approved of and confirmed by the Parliament of 1693, as highly conducive to the general interests of the Kingdom, but in the adjustment of their minute details, many disputes and controversies were excited, which rendered the interference of Parliament again

In the original books of Parliament, containing the Record of the Statutes printed in this volume, scarcely any are to be found distinguished by titles, or rubrics, prior to the statutes of the latter Parliaments of King James V., and even after that period, the practice in this respect is not uniform. The titles of the printed editions, as well as of the copies in manuscript, of still earlier date, are in general the unauthorized work of their respective compilers, and are not entitled to a place in a genuine collection of those Acts. But for the purposes of description and reference, such titles are of obvious utility, and in the chronological table of the contents of this volume they have been accordingly employed. As those of the former editions, as well as of the manuscripts, from which indeed the former seem to have been borrowed, are often erroneous and ill calculated to indicate the proper subject of necessary; and in the Session of 1698, an Act was passed for settling the terms and conditions on which this communication of trade should be made to the several Burghs of Regality and of Barony, by a Commission to such persons of the three estates as his Majesty should nominate for that purpose. Under this Commission of Parliament a great many proceedings were accordingly held, of which the Record has been preserved, and being calculated to throw some curious light on the state of the Kingdom at that period, it has been thought fit to place these Proceedings in the Appendix to this Volume." — vol. x.

" In this, as in the three preceding volumes, the Minutes of Parliament, together with some relative Documents not included in the Record, have been printed in an Appendix, with the exception of the Minutes of the last Session, or Union, of Parliament. Having previously adopted these into the Text, without any omission, their repetition in the Appendix would have been superfluous, but as a proper Supplement to the imperfect Record of that Session, there has been given in the Appendix, a collection of Petitions and other Documents, by means of which the greater number of defects in the Text will, in substance at least, be supplied."

" From the authenticated copies preserved in his Majesty's General Register House, the Proceedings under the Commissions (for an Union between the Kingdoms of Scotland and England) have been printed in the Appendix, and form a fit conclusion to the last volume of the Acts of the Parliaments of this ancient Kingdom." — vol. xi.]

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the Acts to which they refer; it has been found necessary considerably to alter, or altogether to new-model them, adopting always, as nearly as possible, the peculiar phraseology of the Acts themselves.

In like manner, the original Record does not give any numeration of the Statutes, or other Acts, of the several Parliaments; and in the printed editions, the modes of numeration are not systematic, or uniform. These former numerations have been here disregarded, and the proper Statutes of each Parliament have been numbered as a distinct series. The many additional Statutes, as well as other matters contained in this work, beyond what are to be found in the different editions of the Statute Book, would have rendered a new numeration unavoidable; but in order to connect these editions with one another and with the present more extensive Collection, and to facilitate references from the former to the latter, there is given a *Comparative Table*; exhibiting, however, those Statutes only, which are to be found in the former editions, and not comprehending any of those now printed for the first time. To these last, the *Chronological Table* of the contents of the volume is the proper guide.

SUPPLEMENTAL NOTE.

[THE eleventh volume was published in 1824. It "terminates with the Session of 1707, immediately preceding the Union of the two kingdoms, and in the Appendix to that volume the proceedings of the Commissioners relative to that event, printed from authenticated copies preserved in the General Register House, are given."(1)

(1) [See Nicolas on the Public Records, p. 113. The eleventh is not, as Mr. Nicolas supposes, the last volume of the Acts of the Parliaments of Scotland.

"The *Acts of the Parliaments of Scotland*.—The Indexes of matters to the whole work, will constitute the twelfth and last volumes, but cannot be in readiness for the press in less than two years from this time. Each of these volumes will extend to about 600 pages; the printing and the binding of each volume will

It appears from the First Report from the Select Committee of the House of Commons on the Public Records, (p. 18,) that Lord Frederick Campbell had for several years contemplated the publication of the Parliamentary Records of Scotland, and that some of the earliest volumes had, by his order, been prepared for the press (2). The Record Commissioners, it may be conceived, lost no time in directing the execution of this work, and Mr. William Robertson, one of the Deputies to the Lord Clerk Register, Alexander Robertson his son, and Mr. Ferrier, were, in December, 1800, appointed Sub-Commissioners for the purpose. These gentlemen appear to have immediately commenced their labours; and in 1804 there issued from the Royal Press of Edinburgh a volume, of which the following is the title:—*The Parliamentary Records of Scotland in the General Register House, Edinburgh. Vol. I. Printed by command of his Majesty King George III., in pursuance of an Address of the House of Commons of Great Britain. 1804.* Its form and type are similar to those of the Parliament Rolls of England: it contains 826 pages.

This volume, it is believed, has never travelled beyond the libraries of the curious. The plan formed in 1800 was, in December, 1804, upon a representation of its many imperfections, ordered to be laid aside (3), and the printed volume was cancelled.

The Editor of the present *Acta Parliamentorum Scotiæ* commenced his labours, in 1805, by a series of communications to the Record Board upon the measures requisite to render the new compilation more accurate and complete than that commenced by Messrs. Robertson and Ferrier.

Former pages of the present volume will show that Mr. Thomson's scheme comprehended "not only the statutes and public cost about £1,500. The expense of transcription and other editorial expenses cannot be exactly ascertained, but in addition to those already incurred and provided for, they may be estimated as under £1,000."—*Sessional Papers—House of Commons—Record Commission, 12th June, 1829.]*

(2) [See also *Reports from Commissioners on the Public Records*, vol. i. p. 298; and *Robertson's Index of Records of Charters*, Preface, p. 1.]

(3) [*Reports from Commissioners on the Public Records*, vol. i. pp. 30. 61.]

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ances of the legislature, but every other proceeding of a

cial, or administrative, nature, of which any authentic record reserved." (4) "In this respect it is vastly more extensive than any of the compilations projected, or partially executed, at other periods." (5)

It was proposed that the Parliamentary Records should, like Royal Charters mentioned in a former page, be divided into three periods. 1. Prior to the accession of King Robert I.—1306. 2. From the accession of King Robert I. to the return of King James I.—1424. 3. From the return of James I. to the Union—1707. (6) Respecting the two latter periods we are informed, that the *Parliamentary Proceedings* belonging to them are to form the First Volume in the series *Parliamentary Records*; and that in the Appendix to that volume will be printed, from the best MSS. collated with Skene's edition, the ancient Treatises of Law, entitled *Regiam Majestatem, Quoniam Attachamenta, &c.* both in Latin and in a Scottish version of the Fifteenth Century. (7)]

[Since the foregoing portion of this note was written, the compiler has succeeded in obtaining from Scotland some sheets of the intended First Volume of the *Acta Parliamentorum Scotie*. It appears to have already passed through several editions; but as all of them are equally unknown, some account of the contents of the sheets will, without doubt, prove acceptable to the reader. They are as follows:—

Assise Regis David, pp. 5—13.—*Leges et Consuetudines Quatuor Burgorum, Berewic, Rotisburg, Edinburg et Strivelin*, constitute adiuste ac conformatum per *Regem David*, pp. 21—44.—*Assise Regis Wilhelmi*, pp. 49—62.—*Statuta Alexandri Regis Fili Wilhelmi Regis*, pp. 67—74.—*Acta Parliamentorum Regis Alexandri Tertiū*, pp. 77—82.—*Acta Parliamentorum Margarete Regine*, pp. 85—86.—*Placita in Parliamentis Domini Regis Johannis*, pp. 89—93.—*Acta Parliamentorum Regis Roberti Primi*, pp. 99—126.

The *Acta Parliamentorum Roberti I.* are complete, and the

(4) [Reports from Commissioners on the Public Records, vol. i. p. 254.]

(5) [Ibid. p. 254.] (6) [Ibid. p. 171.] (7) [Ibid. p. 171.]

last sheet (p. 127) has the words *Acta Parliamentorum Regis David Secundi*; but no further portion of the work is in the compiler's possession. The sheets, which he has procured, of the other editions of the volume are less numerous, and comprise no laws not found in the above table; but many of them appear to have been printed from different, and probably less authentic, manuscripts.]

[The following Extracts from different Quarterly Reports made by the Deputy Clerk Register to the Record Board, contain all the remaining information, which the compiler can furnish respecting the First Volume of the *Acta Parliamentorum Scotiæ*. The chief regret that the perusal of them will occasion the reader, it is probable, will be the same as the compiler has experienced—that the learned and accomplished editor has destined the Ancient Laws of Scotland to form the First Volume of the published collection, instead of reserving it as a Supplement to that series.]

“I wish, most sincerely, it were in my power to report something more satisfactory of the progress and state of the First Volume of this work. Since I last took occasion to say anything on the subject, I have made repeated attempts to resume the printing of the earliest remains of Scottish legislation; but the critical difficulties, which have met me, at every step, have proved so appalling, that I have not dared to proceed. A certain progress, however, I have been constantly making, and the materials of my work have been gradually increasing in quantity, from various unexpected sources, as well as improving in quality. Feeling, however, as I do, and have all along done, how impossible it is to convey to any one, not actually conversant with the state of our earlier juridical writings, any adequate notion of the difficulties with which I have had to contend, I can do little more than solicit the continuance of that forbearance, which I have hitherto experienced, and which, those who know how deeply I consider my character and honour are staked on this undertaking, will not suspect me capable of abusing.”—*December, 1818.*

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" During the whole period of this Report, I have been employed on the compilation of the First Volume of the Parliamentary Collection; and I hope I may venture to state with confidence, that no inconsiderable progress has been made in surmounting the difficulties with which I have been so long contending, in the selection and arrangement of the more ancient remains of Scottish legislation."

" I have found it expedient to send to the press, in the first instance, the Assises of these two later reigns of William and Alexander; and having disposed the different articles in the order, which appeared to me to be the best, I have bestowed all the pains in my power on the adjustment of the original text; relying, of course, on the more ancient manuscripts, and availing myself of the later ones, chiefly in those cases where an intelligible meaning could not otherwise be obtained. I have, at the same time, used all the means within my reach to adapt to the original text a Scottish translation drawn from several manuscripts of considerable antiquity, and exhibiting at once a very curious and interesting specimen of the language, and an instructive commentary on the true import of the original. This text and the corresponding translation have been printed in opposite columns, much after the manner of the first volume of the English Statutes published under the authority of His Majesty's Commissioners."

" In the course of the ensuing quarter, I trust that the Assises of David I. and the *Leges Burgorum*, will, in like manner, be in print, both in the original and in a Scottish translation. Until the whole of this first portion of the volume has been arranged and corrected, I shall not venture to authorise any part of it to be finally printed off."—*September, 1820.*

" I have continued to devote the greater part of my time, without interruption, to the arrangement, collation and correction of the ancient Laws and Assises. Having succeeded in obtaining what I considered as a well authenticated collection of the Statutes of William and of Alexander II., I have since fallen back on those of David I.: and under the titles of *Assise Regis David*, and *Leges Quatuor Burgorum*, I have placed all

that could with safety, and on good critical grounds, be assigned to that early reign. These are now in print, arranged in parallel columns of text and ancient translation, in the same way as the posterior laws of William and Alexander, formerly reported. The whole of these ancient Assises, with their relative Tables of Rubrics, are contained in seventeen sheets, or 68 pages: and though, I trust, that they are now in a state nearly as complete and accurate as is now attainable, I am anxious not to have them finally printed off, till the further progress of the volume shall make this absolutely indispensable."—*December, 1820.*

"I have continued to bestow all the pains in my power, on the further correction and adjustment of the text and translation of the ancient Assises already in print; and also on the selection and arrangement of the matter that must follow next in the volume. I fondly trust that during the course of the present year, and more especially during the periods of vacation in the Courts of Law, I shall be able to complete the text of the Statutes and Proceedings in Parliament down to the reign of James I. where the second volume (already published) commences, and that the Preliminary Dissertations and the Appendixes, both of which must be extensive, will also be in a state of advancement, such as to ensure the completion of this first volume long before the later parts of the work can be brought to a conclusion."—*March, 1821.*

"In the compilation of the first volume of the Parliamentary Collection, although the selection and arrangement of authentic materials may be regarded as the primary and most serious difficulty, there is another, which has occasioned an almost incredible degree of trouble;—I mean the collation and adjustment of the several ancient versions of the more early Statutes. Of these, there are four, or five, more considerable than the rest. All of them bear evident marks of having been made as early as the end of the fourteenth, or the beginning of the fifteenth, century, and they each exhibit a great variety of readings, out of which it has been my object to select what appeared to be at once the most ancient and most appropriate translation of the

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Latin text. To aid me further in this process, in which, however, I trust that the main difficulties are already overcome, I have directed four of these ancient versions to be transcribed in parallel columns, exhibiting, at one glance, the varieties of reading in the different manuscripts; and from the specimens already executed, I anticipate very great dispatch, as well as security, in the ultimate correction of the work. I need scarcely add, that its advancement engrosses my most anxious thoughts."

—*June, 1821.*

"Having now done all that has appeared to me practicable in the selection, arrangement and correction of the more ancient Assises of the Kings of Scotland, I hope to be able, very shortly, to submit to the consideration of his Majesty's Commissioners, in a printed state, the continuation of what has been preserved of Scottish Parliamentary Record, down to the reign of Robert II. A. D. 1371."—*December, 1821.*

"In the correction and adjustment of the materials of the first volume, a great deal of time and labour have been bestowed; and though a great deal, in minute critical matters, remains to be done, yet I do not hope to be able to add any thing very important to the collections that are now in my possession."—*September, 1822.*

"In the preparation of the first volume of the Acts of the Parliaments of Scotland, continued progress has been making."—*December, 1824.*

"I trust I shall soon have it in my power to report the completion of the text of Vol. I., so far as it consists of what are to be received as genuine proceedings of the Scottish legislature. When this portion has been completed, the other parts, of a subsidiary nature, will occupy comparatively a very short time to bring them through the press."—*June, 1825.*

"It is a mortifying disappointment to me, that I cannot yet report the completion of the First Volume of the Acts of the Parliaments of Scotland. The period for that purpose is not, I trust, far distant; but in the mean time I have thought it better not to fatigue the Board with the minute details of progress, or with the unavailing expression of regret for the delays, which have attended this part of my undertaking."—*January, 1826.*

" Since the date of my last Report, a very interesting and important discovery has been made of a volume of ancient Scottish law, compiled about the middle of the fourteenth century, and containing, among other valuable matters, copies of what are usually entitled, *Statuta Regis David*, of *Leges Burgorum*, and of the Statutes of Robert Bruce, 1318. This is decidedly the most ancient collection of the kind that has yet been found in Scotland, and with the exception of the Berne (8) manuscript, of which the contents are comparatively very scanty, it is nearly a century older than any of those, which have been employed by me in the preparation of the earlier portion of the

(8) [The manuscript above alluded to is one of the latter part of the thirteenth century, containing a collection of both English and Scottish law.

" This manuscript is understood to have been purchased in England, along with many others, for the use of the public library of Berne, by a person who resided for some time as an agent for the Swiss Cantons at the Protectoral Court of Oliver Cromwell. It is minutely described in the printed Catalogue of that library; and in the year 1799, it was, by the late Mr. Ritson, brought under the particular notice of Mr. George Chalmers. After some unsuccessful attempts to procure a transcript of the volume, Mr. Chalmers, in 1802, was fortunate enough, by means of a distinguished nobleman of the Canton of Berne, then in England, to obtain the transmission of the original manuscript for his inspection. After fully gratifying his own curiosity, and taking a copy of the volume, in so far as it contained any matter relative to Scotland, Mr. Chalmers restored the original to the library. And in 1805, he communicated to Mr. Thomson a duplicate of that copy, and an account of his observations upon the appearance and contents of the volume. This communication did not fail to excite in Mr. Thomson a strong desire to see and examine the original manuscript; and, in the year 1812, he concurred with Mr. Chalmers in some private and confidential measures for obtaining, at least, the temporary use of it. These measures, however, proved abortive; but Mr. Chalmers was not discouraged from the prosecution of the object; and in 1814, he submitted to the Deputy Clerk Register a statement respecting the contents and the importance of the manuscript, which was immediately communicated by him to his Majesty's Record Commissioners, and which induced the Board to adopt the most effectual measures for obtaining possession of it. In consequence of a communication upon the subject by the Government of this country to the Government of the Canton of Berne, the Directors of the Public Library were pleased to make a most liberal and unqualified donation of the manuscript; and it has, in consequence, been deposited in the General Register House."—See *Reports from Commissioners on the Public Records*, vol. i. p. 535.]

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first volume of the Acts of the Parliaments of Scotland. This volume was recently found in the possession of a private individual in the town of Ayr; and from various entries on some of its blank leaves, it appears to have belonged, in the fifteenth century, to the Gild of the Burgh of Ayr, or to some of the officers of that community. Having had the good fortune to obtain the use of it, I have directed a complete copy of the whole to be made; and although its acquisition came too late to aid me materially in the earliest part of the Ancient Scottish Statutes, I consider it as most important in fixing some disputed points in the chronology of our laws, and I have the satisfaction of adding, that it has tended to confirm the justness of the views by which I had been guided in some of the most difficult and perplexing parts of the work."—*December, 1826.*

"The ancient code of Scottish law, mentioned in my last Report, has now been carefully transcribed. Its value has not diminished in my estimation from a more complete examination of its contents, of which, so far as it is yet possible, I am endeavouring to avail myself. In correcting and enlarging that part of our ancient Statutes called *Leges Burgorum*, I shall be able to derive some important aids. It is one of the remarkable peculiarities of this compilation that, unlike all those formed in the fifteenth century, it contains no part of the work called *Regiam Majestatem*; a circumstance from which, in connection with the evidence afforded by the Berne MS. some reasonable inferences may be drawn as to the true era of that celebrated code."—*March, 1827.*

"Some interesting additions to the Records of Parliament in the fourteenth century have lately been brought to light and obtained for public use. These have been carefully transcribed and will be inserted in the printed work."—*June, 1829.*

"At present I shall refrain from reporting any thing under this head, (vol. i. *Acts of Parliament of Scotland*,) further than to say that I have been making anxious preparations to enable me to redeem my pledge of completing the first volume of the Acts of the Parliaments of Scotland in the course of the ensuing year."—*September, 1829.*

"For a considerable time past I have been assiduously employed on a final review of the materials for the first volume of the Parliamentary collection, and more particularly of what in date precedes the reign of David II. The whole of this portion of the work had been sent to press and had undergone the most careful correction a great while ago, when some unlooked-for discoveries were made of manuscripts anterior in date to any, that had been previously known. These I have thought it my duty to examine with the most minute and scrupulous attention; and I have no hesitation in saying, that the result has proved highly conducive to the accuracy and authenticity of what now remains of the early legislation of Scotland. This statement will appear the less surprising when it is borne in mind that the best manuscripts known to Lord Hailes, or to any of our Scottish antiquaries of the last age, could not be assigned to an earlier period than the latter years of the reign of James I. whereas the manuscript to which in particular I would now be considered as referring, is certainly of a date several years prior to the middle of the fourteenth century. In the course of a short time I hope to accomplish all that the materials within my reach have rendered practicable for the completion of this earlier and more perilous portion of the work. The remainder will have the advantage of being comparatively more easy and secure, as being derived from less questionable sources. Indeed for the greater part of it, the evidence of genuine record is nearly complete."—*December, 1829.*

"Within the period of this Report very considerable progress has been made in the final correction and completion at the press of the earlier portions of the Parliamentary Records, which are to constitute the text of the first volume of the work."—*March, 1830.*

"While the proceedings of the Parliaments of David II. and Robert II. have been going through the press, some important additions of original record have been found; and it is probable that from the same source some others of the same period may yet be recovered."—*June, 1830.*

"I have the satisfaction of stating that two original Rolls of
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Parliament have been recovered, the contents of which are very valuable, and will take their place in the series of the Acts of Robert II. and Robert III."—*September, 1830.*

"The whole of that more important part of the first volume of the Acts of the Parliaments of Scotland, which consists of Statutes and other proceedings in full Parliament, has been printed, with the exception of a small portion in the reign of Robert III. The record of the Public Acts of that reign appear to have been lost at the date of Sir John Skene's publication of our ancient laws in 1608; and the copies, that have come down to the present time, have required very scrupulous collation to avoid the introduction of apocryphal matter; but that difficulty has now, I trust, been satisfactorily surmounted."—*March, 1831.*



CHAPTER XXVIII.

REGISTRUM MAGNI SIGILLI REGUM SCOTORUM
IN ARCHIVIS PUBLICIS ASSERVATUM, A.D. 1306
—A.D. 1424.(1)

[*From the Preface to the Work.*]

IN the return made by the deputy keepers of the Records in his Majesty's General Register House, to the order of the Select Committee of the House of Commons, appointed to inquire into the State of the Public Records of the Kingdom in 1800, it was stated, "That it would be highly proper to print the twelve existing Rolls, and the first book of Royal Charters, because the writing of those Rolls and of that book is much decayed." And in the First Report from the Select Committee, among other measures recommended, it is stated, "That it might also be expedient to print the earliest of the Royal

(1) ["Every Royal Charter or other Writ which passes the Great Seal of Scotland, is previously framed and engrossed in the office of the Director of Chancery, and is afterwards carried by the grantee, or his agent, to the office of the Keeper of the Great Seal, with the Warrant on which it has been framed, by whose deputy the Seal is affixed, and the Warrant retained. Of all Writs of this description, a public Record has been kept from a very early period, which is sometimes denominated *the Record of Charters*, but more correctly *the Register of the Great Seal*. This Record is framed by the Director of Chancery, or his deputies; and, in terms of an Act of the Parliament of Scotland (1685, c. 33.) enforced by a decision of the Court of Session (December, 1775), the successive volumes of the Record are periodically transmitted to the General Repository, under the immediate care of the Lord Clerk Register and his deputy keepers."—*Reports from Commissioners on the Public Records*, vol. i. p. 201. See further, *ibid.*, p. 501, *et seq.*]

Charters of Scotland." In pursuance of this recommendation, this volume was prepared and printed, under the direction of his Majesty's Commissioners on the Public Records of the kingdom. But, in the progress of the work, it appeared to be expedient and proper to extend the measure beyond the limits originally prescribed, and to give to the public a "Collection of Select Royal Charters, from the earliest period of authentic record, to the Union of the Kingdom of Scotland and England, in the year 1707."

The nature and objects of this more enlarged collection of Charters, and the relation of the present volume to the general design, may be sufficiently understood from the following statement, extracted from the Fourth Annual Report of the deputy clerk register of Scotland, for the year 1810. (2)

"Next to the Parliamentary Records of Scotland, the most important of those intended publications, which are now in progress, is a select collection of ancient Royal Charters, drawn not only from the existing Registers of the Great Seal, but from original charters in the possession of individuals and public bodies, and from other authentic sources. The very imperfect state of the Record of Charters preserved in the General Register House, is a fact well known, although the full extent of the deficiency has not been very exactly ascertained. From the Inventories and Indentures relative to the public Muniments and Records of Scotland, at the end of the thirteenth century, preserved in the Chapter House of Westminster Abbey, it is evident that the registers of this class were of great extent and importance, comprehending, probably, a record of grants under the Great Seal, from the time of Alexander I. or David I. to the death of

(2) [See *Reports from the Commissioners on the Public Records*, vol. 1. pp. 263, 264.]

Alexander III. Of these, not a vestige now remains; and of this most important class of writs, in which so much of the history, as well as of the law of the kingdom, is necessarily embodied, whatever now exists must be sought for, either in private repositories of original Charters, or in the registers and chartularies of bishoprics and religious houses, of which a few have been happily saved from the general wreck. In the subsequent period, from the accession of Robert Bruce in 1306, to the return of James I. in 1424, a part of the Record of Royal Charters, or, as it is technically called, the Register of the Great Seal, has been preserved; but that part plainly bears a small proportion to what has been lost, or destroyed, within the last two hundred years. Of about fifteen rolls, containing nearly seven hundred Charters of Robert I., which were extant at the beginning of the seventeenth century, and of which official calendars are preserved, there is now only one roll to be found, containing ninety-four Charters, or somewhat less than one-seventh part of what were probably lost in the removal of the Public Records to England, in 1651. Even those fifteen rolls can be considered as but the remains of a more extensive series of Records; for the great number of authentic Charters of Robert I. still preserved, of which no entry is to be found in the official calendars above alluded to, leaves little room for doubt, that many other rolls of the Charters of that sovereign had been lost at a still earlier period. In the subsequent reign of David II. the loss is little less considerable. Of about twenty-eight rolls of various magnitude, containing nearly six hundred Charters of that king, of which official calendars are extant, not one has been saved; but in a book now called the First Book of the Great Seal, nearly three hundred Charters of David II. are recorded. In the two succeeding reigns of Robert II. and Robert III., and in the



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ency of the Dukes of Albany, the injuries, which this Record has suffered, are comparatively smaller; yet the number of existing original Charters, not entered in that Record, is such as to indicate its very imperfect state. The same is equally true of the reigns of James I. and James II., and even in that of James III. the apparent

deficiencies are very considerable; nor is it till about the commencement of the sixteenth century, that the series of Registers of the Great Seal begins to be tolerably complete.

These various deficiencies in the Record of Royal Charters are obviously so great, as to preclude all hope of their being ever repaired in any considerable degree.

The sources which have been already mentioned, are

neither so scanty, nor so inaccessible, as to justify inactivity, or despair, in attempting to diminish the extent of the evil; and his Majesty's Commissioners accordingly

sanctioned an experiment for that purpose, from which, if prosecuted with vigour and perseverance, very useful results may be expected. Of Royal Charters prior in date to the accession of Robert I., it has been resolved to

form as ample a collection as can be procured, not only from originals remaining in the custody of individuals and

public bodies, but also from ancient Chartularies and other authentic Manuscripts; and from that collection, in

which considerable progress has been already made, it is intended to select a volume of Charters of more remarkable importance, such as will tend to illustrate the constitutional history, the national antiquities, and the early

jurisprudence of Scotland. The utility of such documents, as applicable to a period of which the more regular historical monuments are so meagre and defective, has

been long well known; and it here deserves to be remembered, that above a century ago, at a time when that

utility was less understood and acknowledged than at present, a collection of Charters was prepared by com-

mand of the Parliament of Scotland, and ultimately given to the public under the title of *Diplomata Scotiæ*(3). The splendour and accuracy of that work have been justly admired, and as a series of specimens of the handwriting of successive ages, its use has been considerable; but for every other purpose of information, either of a public, or a private, nature, the collection has been found by far too scanty. To aim at the recovery of every curious and important document of this kind, would of course be vain and chimerical; yet it is only by an ample and diversified collection of ancient charters, such a collection however as moderate industry and perseverance may accomplish, that the great objects of historical and constitutional information can be attained in any considerable degree. In the succeeding period, from the accession of Robert I. to the return of James I., the series of Royal Charters

(3) [Selectus Diplomatū et Numismatū Scotiæ Thesaurus, in Duas Partes distributus; Prior Syllogen complectitur veterum Diplomatū, sive Chartarum, Regum et Procerum Scotiæ, una cum eorum Sigillis, a Duncano II. ad Jacobum I. id est, ab anno 1094 ad 1412. Adjuncta sunt reliquorum Scotiæ et Magnæ Britanniæ Regum Sigilla, a prædicto Jacobo I. ad nuperam duorum Regnorum in unum, anno 1707, Coalitionem; Item Characteres et Abbreviaturæ in antiquis codicibus MSS. instrumentisque usitatæ. Posterior continet Numismata, tam aurea quam argentea, singulorum Scotiæ Regum, ab Alexandro I. ad supradictam Regnorum Coalitionem perpetua serie deducta; Subneris, quæ reperiri poterant, eorundem Regum Symbolis Heroicis. Omnia summo artificio ad Prototyporum similitudinem tabulis encis expressa; adjectis singulorum Diplomatū, recentiore scripture forma, æri itidem incisis exemplis. Ex mandato Parlamenti Scotici collegit, digessit, et tantum non perficienda curavit, egregius ac patriarchalium antiquitatum callentissimus Vir, Jacobus Andersonus, Scriba Regius. Quæ operi consummando deerant supplevit, et Praefatione, tubularum explicatione, aliisque Appendicibus, rem Scotiæ diplomaticam, nummariam et genealogicam, hæud parum illustrantibus, auxit et locupletavit Thomas Ruddimannus, A.M. Suppedidante sumptus clarissimo Viro Thoma Patersono Armigero.

The reader will find a short notice of this rare work (*opus in se magnificum et vere regium*) in Nicolas on the Public Records, pp. 120—122. See also Ruddiman—*An Introduction to Mr. James Anderson's Diplomata; to which is added Notes taken from various Authors and original Manuscripts.* 12mo. 1773.]

becomes on many accounts peculiarly important; and the sources, from which a Supplement to the existing Registers of the Great Seal may be derived, become also more abundant. The Record itself, consisting of twelve rolls and one book, is intended to form the first and principal part of a Second Volume in the series of Select Royal Charters. In the mean time, numerous contributions of original Charters have been procured, from which, and from the transcripts of Chartularies, and other authentic Manuscripts, which have been gradually accumulated, a very valuable Supplement will be obtained. Among the various sources, which it has been thought fit to explore, the archives of the royal burghs of Scotland are particularly entitled to notice; and in the charter chests of many ancient and noble families are contained very valuable deposits of the same description. In the subsequent period, from the reign of James I. downwards, the collections of extraneous materials must be less considerable and important, yet they are by no means to be neglected; and from the existing Registers, augmented by such contributions as may be reasonably expected, a selection of curious and important Charters may be formed. Those, which have a relation to the constitution of public bodies, and to the creation or limitation, of dignities and honours, and those above all, which afford instructive illustrations of the principles and rules, the usages and the language of feudal jurisprudence in the fifteenth and sixteenth centuries, are chiefly deserving of attention, and of this description of Charters accordingly, will the Third Volume of the proposed collection be framed. In point of practical utility, and in reference to ordinary business, this volume cannot fail to prove a very desirable acquisition to the lawyer, as well as to the historian and the antiquary."

If the design here explained should be ever carried

completely into execution, the Register of the Great Seal, from the year 1306 to the year 1424, now published, will thus form the First Part of the Second Volume of the Select Royal Charters of Scotland; but in itself it is also

a complete work, and as such there have been here added to it very copious Indexes of the names of Persons and of Places (4).

[The following *Tabula* is prefixed to the *Registrum Magni Sigilli.*]

I. Registrum Magni Sigilli Domini Roberti Primi,
Regis Scotorum:

Ex Rotulo Cartarum, qui hodie designatur Rotulus I.

II. Registrum Magni Sigilli Domini Davidis Secundi,
Regis Scotorum:

Ex Libro Primo Registri Magni Sigilli Scotie.

III. Registrum Magni Sigilli Domini Roberti Secundi,
Regis Scotorum:

1. Ex Libro Primo Registri Magni Sigilli Scotie.
2. Ex Rotulo Cartarum, qui hodie designatur Rotulus II.
3. Ex Rotulo Cartarum, qui hodie designatur Rotulus III.
4. Ex Rotulo Cartarum, qui hodie designatur Rotulus IV.
5. Ex Rotulo Cartarum, qui hodie designatur Rotulus V.
6. Ex Rotulo Cartarum, qui hodie designatur Rotulus VI.
7. Ex Rotulo Cartarum, qui hodie designatur Rotulus VII.
8. Ex Rotulo Cartarum, qui hodie designatur Rotulus VIII.
9. Ex Rotulo Cartarum, qui hodie designatur Rotulus IX.

IV. Registrum Magni Sigilli Domini Roberti Tertii,
Regis Scotorum:

1. Ex Rotulo Cartarum, qui hodie designatur Rotulus IX.
2. Ex Rotulo Cartarum, qui hodie designatur Rotulus X.

V. Registrum Magni Sigilli Roberti Ducis Albaniæ et
Gubernatoris Regni Scotie:

1. Ex Rotulo Cartarum, qui hodie designatur Rotulus XI.
2. Ex Rotulo Cartarum, qui hodie designatur Rotulus XII.

(4) [“This volume contains copies of various Charters granted by the Kings of Scotland from the accession of Robert Bruce in 1306, to the return of James the First in 1424, consisting of grants of dignities, offices, lands, churches, regalities, fisheries, liberties, privileges, rents, annuities, &c.”—*Nicolas on the Public Records*, p. 115.]

CHAPTER XXIX.

**INQUISITIONUM AD CAPELLAM DOMINI REGIS
RETORNATARUM, QUÆ IN PUBLICIS ARCHIVIS
SCOTIÆ ADHUC SERVANTUR, ABBREVIATIO.—
THE ABRIDGMENT OF THE REGISTER OF RE-
TOURS OF SERVICES IN SCOTLAND.**

[*From the Preface to the Abridgment of the Register of Retours of Services.*] (1)

THE Record, of which an abridgment has been printed by the direction of the Record Commissioners, comprehends all those proceedings by "Inquest," or the verdict of an "Assize," which originate in certain writs issuing from Chancery, and which are ultimately transmitted, or "retoured," to that office. The peculiar forms, or legal effects, of those proceedings, it would be out of place here to explain; but an enumeration of their different sorts, and a slight outline of their nature, may be useful to those, who are not already conversant with the practice of the Law of Scotland.

Of those proceedings, the most considerable in number and importance originate in a writ issuing from Chancery, in the King's name, called sometimes the "Brieve of Mortancy," but more properly the "Brieve of Succession;" the purpose of which is to establish a claim by inheritance, or to be "served nearest lawful heir" to those subjects of a feudal nature, in which the alleged

(1) [The preface to the Abridgment of the Retours of Services has been by singular oversight twice printed in the volume of *General Reports from the Commissioners on the Public Records*, once in the Appendix to the First Report, and again in the Appendix to the Second Report.]

ancestor of the claimant was vested at the time of his death. According to the rules of the law of Scotland, the complete and effective right to such subjects does not pass immediately and spontaneously from the ancestor to the heir; but is said to remain *in hereditate jacente* of the deceased owner, until the claim of the heir has been formally recognized and established by the procedure under a Brieve of Succession. By that writ the judge to whom it is addressed is authorised and required to ascertain, by the verdict of a jury, the following points:—1. In what lands and annual rents, within the limits of his jurisdiction, the alleged ancestor of the claimant died vested and seised as of fee, at the faith and peace of the King; or in the words of the Brieve, "de quibus terris et annuis redditibus, cum pertinentiis, quondam B. C. pater D. C. latoris præsentium, obiit ultimo vestitus et sasitus, ut de feodo, ad fidem et pacem nostram, infra balliam vestram." 2. If the claimant be the nearest lawful heir of the deceased in these lands, &c. 3. If he be then of lawful age. 4. What is the annual value of the lands, &c. according to certain valuations, usually called the Old and the New Extent, or in the technical language of the Brieve, "quantum valent dictæ terræ et annui redditus, cum pertinentiis, nunc per annum; et quantum valuerunt tempore pacis." 5. Of whom, as feudal superior, the lands are held. 6. By what feudal service, or species of tenure. 7. In whose possession the lands now are and on what account, and how long they have been so possessed. The result of these inquiries, duly authenticated, the judge is directed to transmit to Chancery, together with the original Brieve. According to the more ancient usage, this Brieve was addressed to the sheriff, or local judge, of the district where the lands were situated, which were the subject of the claim; and where the lands were situated in different counties, a corresponding number of Brieves was

issued from Chancery. This mode of procedure may still be followed: but, in order to avoid a multiplicity of proceedings in such cases, a particular process has been introduced for trying the whole of the claim at once, under a commission to certain inferior officers of the Court of Session, as "sheriffs in that part," or delegated to that particular duty. This was unquestionably an innovation upon the original practice of Chancery; but of the history of its first introduction nothing is known, and among the earliest retours, which now remain on record in that office, some of this description are to be found. Another apparent innovation upon ancient usage, has been the application of the Brieve of Succession, to the establishment not of a claim to any specific inheritance, but of the general character of heir to the alleged ancestor.

The form of the Brieve remains in this case unaltered, but the verdict of the jury is of course restricted to those general points, which it is the immediate object of the claimant to ascertain.

The proceedings, which are held in pursuance of a Brieve of Succession, are usually denominated a "Service;" those which have relation to a particular estate of inheritance, are denominated the "Service of an Heir in Special," or a "Special Service;" in contradistinction to those other proceedings last mentioned, which are denominated the "Service of an Heir in General," or a "General Service." These proceedings may sometimes involve a great deal of judicial discussion: but whether in a special, or general, service, it is only the ultimate verdict of the jury, framed in a certain technical form, that is transmitted to Chancery. It is there entered on record by the Director of Chancery, or his deputies; an extract of that record is given to the claimant; and, in this completed state, it is commonly termed the "Retour of the Service."

Of the ancient practice of Chancery in the registration of the retours of services no certain knowledge is preserved. That the original inquisition, or verdict of the assize, was "retoured" to the Chancery as a necessary step towards the feudal investiture of the heir, may be confidently presumed; and that, of this inquisition, some record, or memorandum, was preserved by the officers of the Chancery, cannot be doubted; but that the original inquisitions were again delivered to the private party, and not merely an extract, as at present, may be fairly conjectured from the many originals, which yet remain in private custody. But those ancient Records of Chancery, whatever may have been their peculiar form, appear to have been totally destroyed before the middle of the sixteenth century. Of that event, no historical account is preserved; but in the writings of the following age, it is alluded to as a distinct tradition, and is even founded on as the basis of several judicial decisions. It is probable that this destruction of the Records of Chancery happened in the month of May, 1544, when the Town of Edinburgh, the Monastery of Holyroodhouse, and the Royal Palace adjoining to it, were burnt by the English army under the Earl of Hertford. The zeal and perseverance with which that work of devastation was carried on, leave but too little reason to wonder at the loss of those public muniments, which were not protected by the fortifications of the castle.(2) The supposed destruction of the Records

(2) The following account of the events here alluded to, is given in a narrative published by authority, entitled, *The late Expedition in Scotland made by the kynges Hygnis Arme, under the conduyt of the Ryght Honorable the Erle of Hertfords, the yere of our Lorde God 1544—*" And finally, it was determined by the sayde Lord Lieutenant vtterly to ruynte and destroye the sayde towne with fyre; which, for that the nyghte drewe faste oo, we omylted thoroughly to execute on that daye, but settyne fyre in three or iiii. partes of the towne, we repayred for that nught vnto our campe. And the next mornynge very erly wa began whare we leste, and contynued burnyng all that daye.

of Chancery in the minority of Queen Mary is perfectly consistent with the state of those, which now remain in that office. Of the original inquisitions retoured to Chancery, the present series begins no earlier than the year 1547; and no original retours of prior date have been found, but such as may have been preserved in the custody of individuals, and long afterwards deposited and recorded in the office. The imperfections in the series, subsequently even to the period above mentioned, are indeed very great; but these may be traced to other causes. Till the erection of the present General Register House, no proper repository had been provided for this branch of the Public Records; many of them, meanwhile, appear to have been lost; many others to have perished by damp; and of those, which remained, and were in a tolerable state of preservation, no arrangement had been made till the year 1807; when, on the suggestion of his Majesty's Commissioners on the Public Records of the Kingdom, that necessary work was accomplished, at the expense of the Director of Chancery. Of the present series of inquisitions retoured to Chancery, commencing in the minority of Queen Mary, no Record appears to have been made till about the year 1630. The office of Director of Chancery was then held by Sir John Scott of Scottstarvet, a person of considerable note, and who has left behind him numerous traces of his activity and zeal in the discharge of his official duties. The retoured inquisitions of all sorts, which had been preserved in the Chancery Office, were then recorded in a series of books; and from that period the practice of recording in-

and the two dayes nexte ensuinge contynually, so that neyther within ye wawles nor in the suburbs, was lefft any one house vrant, besydes the innumerable botyes, spoyles, and pyllages, that our souldyours brought frō thense, notwithstanding habendaūce whiche was consumed with fyre. Also we brent thabbey called Holy Redshouse, and the palice adionyng to the same."

quisitions has been regularly continued. The whole of the series, ending March 25, 1811, consists of 102 volumes in folio; but of this series the fifth volume, relative to the years 1611—1614, is known to have been lost; and from the very considerable number of original retours, which have been discovered in consequence of the late arrangement above alluded to, of which there are no traces in any of the existing volumes of the Record, it must be inferred, either that several other volumes have been lost, or that the original plan of recording the whole had been imperfectly executed. Of the completeness, or accuracy, of this Record in other respects, it might be difficult to speak with confidence; but it ought not to be disguised, that throughout the series, from its commencement downwards, it exhibits many instances of negligent transcription, which can be detected only by a collation with the original inquisitions, or the "Warrants" of the Record.

The importance of the Record of Retours, independently of its primary purposes, is too well known to require illustration. With certain limitations, it may be considered as exhibiting an authentic history of the transmission by inheritance of the far greater part of the landed property of Scotland, as well as that of the descent of the greater number of its considerable families during the course of the two last centuries. That part of the Record, which precedes the date of the Scottish Statute of 1681, "concerning the election of Commissioners for Shires," derives a peculiar importance from its affording the appropriate evidence of a certain class of freehold qualifications. But, in all these respects, the usefulness of this record has been hitherto greatly diminished by the difficulties of research: and a methodized abridgment of its contents must therefore be considered as an important public work, by which the value of the original Record will be greatly enhanced.

It has been already stated, that the two distinct classes of inquisitions under the Brieve of Succession, commonly called Special and General Retours, have been entered promiscuously in the Record, nor has the order of time, at least in the earlier volumes, been very exactly observed. But in the Abridgment, the retours of special and of general services have been separated from one another, as well as from these other special Retours with which they are blended in the Record. In the Abridgment of the Retours of Special Services, a local arrangement has been adopted, according to the several counties in which the lands are situated; subdividing the complex retours, and arranging their different portions under the counties to which the lands respectively belong. In arranging the Retours of each county, the order of time has been exactly observed; and in framing the abridgment of each Retour, whether simple, or complex, there is given the date of the service; the names of the heir and the ancestor; their natural relation to each other; the specific description of heirs to which the former belongs; an exact enumeration of the lands and annual rents to which the claimant has been "served heir;" and a statement of the valuation of the whole, or of its different portions, according to the Old and New Extent. There is subjoined a reference to the volume and folio of the Record; and where the Retour is of a complex kind, there is added a reference to the other counties under which, in their chronological place, the other portions of the Retour are to be found. In connection with this part of the work there are given alphabetical indexes both of persons and of places; and for the sake of easy reference in these indexes, the successive articles of the abridgment under each county are regularly numbered. In the arrangement of the Retours of General Services the order of time has been observed; and in framing the abridgment of each, nothing more has been necessary

than to specify the names of the heir and the ancestor; their natural relation to each other; and the particular description of heirs to which the former belongs. In like manner, as in the abridgment of the special Retours, there is subjoined a reference to the original Record; and in connection with this part of the work there is given an alphabetical index of persons, in which the references are likewise made to the numbers of the successive articles of the Abridgment.

The other classes of Inquisitions retoured to Chancery, and there recorded, are of inferior importance to those hitherto considered. One class of these originates in what is called the "Brieve of Tutory," and has for its object to ascertain who is the person, that by law ought to be appointed to the office of Tutor to a minor under the age of puberty, as being the nearest agnate, or paternal relative, of the age of twenty-five years. Another class originates in what is called the "Brieve of Idiots" or "of Furyosity;" the purpose of which is to ascertain, in the first place, the mental incapacity of the individual alluded to for the management of his own affairs; and, in the second place, who is the nearest agnate of proper age and capacity on whom that management is to be devolved. In the following Abridgment, the Retours of both these classes have from their analogy been arranged together in the order of time, under the general title of *Inquisitiones de Tutela*.

Two other sorts of Retours have been found in these Records; but so few in number, that it has been thought fit, instead of abridging them, to print them entire in an Appendix. These are, in the first place, inquisitions of the extent, or estimated value, of the whole of the lands of a county, or other district; of which, it is to be regretted, that only a few have been preserved: and, secondly, Inquisitions taken and retoured to Chancery, in

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virtue of an Act of the Parliament of Scotland, 1584, c. 2, of which the object was to ascertain the real estates of which persons forfeited for treason were in possession for five years preceding the dates of their forfeiture.

The present work has been brought down no further than to the end of the seventeenth century.(3) It embraces the contents of about forty-nine volumes of the Record; as also those more ancient Retours, which have been deposited in Chancery at a later period, and which are to be found in the posterior volumes of the Record. And as a necessary supplement to the work, there is annexed an Abridgment of those original Retours of which the existing books contain no Record, but which were fortunately recovered to the public in the manner already alluded to. An accurate copy of these Retours has also been made, and deposited in the Chancery Office.

It may be proper to add, that throughout the whole of

(3) ["Researches, however, even for that subsequent period, are not unfrequent; and in order to facilitate these, it has appeared advisable to frame a Chronological Table of the principal contents of the Record, subdivided into Special Retours, General Retours, and Retours of Tutor; exhibiting, with great brevity, the leading names of ancestor and heir, and tutor and pupil; and, in Special Retours, the name of the principal barony, tenantry, or other heritable estate, which is the subject of the Return. In this compilation some progress has been already made."—*Reports from Commissioners on the Public Records*, p. 541.]

[The progressive compilation of this Chronological Table was continued until a very recent period. In 1818 the work had been brought down to the year 1816, and there was some intention of publishing it, together with some matters of the same class, as a further Supplement to the Abridgment of Retours, and a specimen was actually printed. All thoughts of printing seems, however, from the Annual Report 1820, 1821, to have been not long afterwards abandoned:—but for a reason, the admission of which to be just and valid, would prove the inexpediency of every publication, that has appeared under the authority of the Record Board—a doubt if the expense would be repaid by the sale of copies. In 1823 the compilation had reached the preceding year, and soon afterwards the formation of a set of Alphabetical Indexes to the names of persons, similar to those in the printed Abridgment of Retours, was commenced.]

this abridgment, the names of places, as given in the Record, have been exactly followed. Where the Record was known to be grossly erroneous in this respect, the true name, or spelling, has been frequently added, within brackets; and where a gross error was suspected, a conjectural reading, followed by a point of interrogation, has sometimes been inserted. But there is good reason for believing that many other errors of the same kind exist in the Record, and have been unavoidably transferred into the Abridgment, which only a minute local knowledge could possibly have afforded the means of detecting. (4)

Ordo Generalis Huius Operis.

VOL. I.

I. Inquisitionum (de Successione) Specialium Abbreviatio, [*Ratione Loci,*] Aberdeen;—Orkney & Shetland.

(4) [“The Record, to which the Abridgment of the Retours of Service relates, is well known to be one of great practical importance; but from its extent and peculiar structure, the labour and uncertainty of private research have greatly diminished its usefulness. This evil it is the object of the present work to diminish; and from the modes of arrangement and of abbreviation, which have been adopted, it may be confidently hoped, that, for every ordinary purpose of investigation, the real value of this Record will be greatly enhanced.”—*Reports from Commissioners on the Public Records*, vol. i. p. 264.]

“The Retours of Special Service” are the Scotch Inquisitions, for finding the heir on the death of an ancestor, and are in use at this day in Scotland. The claimant to the Annandale Peerage, in 1825, proved his descent through many of such Retours; but on producing one of so late a date as 1823, the Attorney General, on behalf of the crown, objected to it as ‘very bad and loose evidence.’ The Lord Chancellor said it ‘might be received as *prima facie* evidence, but that better ought to be given; old Retours, or Inquisitions *post mortem*, could not generally be substantiated, but modern facts required better proof.’ The printed Minutes of this Peerage take no notice of Lord Eldon’s observations, and, from the statement that the evidence was received, convey an erroneous impression as to the admissibility of such evidence on disputed cases.”—*Grimaldi, Origines Genealogicae*, p. 145.]

VOL. II.

Abbreviationis Inquisitionum Specialium Continuatio;
 [Ratione Loci;]—Peebles, Wigton.

Abbreviationis Inquisitionum Specialium Supple-
menta. [Ratione Loci et Temporis Ordine Dis-
posita.]

II. Inquisitionum (de Successione) Generalium Abbre-
viatio. [Ratione Temporis Ordine Disposita.]

Abbreviationis Inquisitionum Generalium Supple-
menta. [Ratione Temporis Ordine Disposita.]

III. Inquisitionum de Tutela Abbreviatio. [Ratione Tem-
poris Ordine Disposita.]

Abbreviationis Inquisitionum de Tutela Supple-
menta. [Ratione Temporis Ordine Disposita.]

IV. Inquisitiones Valorum (sive Extentuum.) [Ratione
Temporis Ordine Dispositæ.]

V. Inquisitiones de Possessione Quinquennali. [Ratione
Temporis Ordine Dispositæ.]

VOL. III.

Indices Nominum et Locorum.

[*From the Appendix to the First Report from the Commissioners on the Public Records.*]

As the Retours of Services in Scotland are not, it is believed, in all respects exactly analogous to the *Inquisitiones post Mortem* in England,(5) it may be proper to begin with a few observations on the peculiar nature and purposes of the former. It is a maxim of the law of England, that *Mortuus sasit vivum*. In the law of Scotland it has always been otherwise. In Scotland the legal cha-

(5) ["There is a close resemblance between the "Retours" and the "Inquisitions post Mortem," in England. The object with which they were taken was the same, and arose from the interests, which the feudal system gave the Sovereign in the greater part of the lands of both countries."—*Nicolas on the Public Records*, p. 130.]

racter of an heir in feudal property, together with the rights and obligations attached to that character, cannot be regularly transferred from the dead to the living but by a solemn judicial act. The procedure for this purpose has been established by immemorial usage. The person who lays claims to this character must, in the first place, obtain, or purchase, in Chancery a "Brieve of Inquest," or, as it is more properly called, a "Brieve of Succession," directed to the sheriff, or judge ordinary, of the county, or district, within which the lands are situated. The tenour of the Brieve admits of some variations, according to peculiar circumstances, but in all cases it is calculated for the double purpose of investigating the rights of the claimant, and of ascertaining and securing the feudal casualties due to the superior. Accordingly every Brieve contains a command to the judge to whom it is addressed, to ascertain by the verdict of a jury, in what lands, or annual rents, the person deceased was feudally invested at the period of his death; if he had died at the faith and peace of the king; if the bearer of the Brieve be the nearest lawful heir of the deceased in these lands and annual rents; if he be of the lawful age; what is the annual value of the said lands, according to what is termed the old and the new Extent; of what superior they are feudally held; by what species of tenure; by whom they are at present possessed; and why and how long they have been so possessed. To each of these questions a specific answer ought to be given by the jury; and their verdict, when drawn up and authenticated in due form, is called a Service, and is with the original Brieve *retoured*, or transmitted, to the office in Chancery from which it issued; where it is recorded, and where an authenticated copy, commonly termed the Retour of the Service, is delivered to the bearer of the Brieve. It would be superfluous here to enter into a more minute detail of

the procedure in a service, or to state the subsequent steps prescribed by the law for completing the feudal investiture in the person of the heir. In illustration of the very general account now given, copies are annexed of the Brieve of Inquest, and of a Retour(6.) A Service, such as has been now described, is, in the language of the Scotch law, called "a Service in Special," but without a reference to investiture in any specific feudal property, it is sometimes desirable to establish the character of being by propinquity the nearest heir of a person deceased. In this view, the forms of a Service, or a Brieve of Inquest, have been employed; although the verdict of the jury contains nothing more than a declaration that the ancestor died at the faith and peace of the king, and that the bearer of the Brieve is his nearest lawful heir. In contradistinction to the former, this is termed "a General Service," and is in like manner retournable to Chancery.

It is generally supposed, that the practice of recording the Retours of Services is comparatively of modern date; and the reasons usually assigned for this opinion are, in the first place, that no record more ancient than about the commencement of the reign of Charles I. is now known to exist; and secondly, because many original Services under the seals of the sheriff and of the inquest, are to be found in the repositories of ancient families, contrary to the modern practice of retaining the original in the Chancery office, and of giving to the bearer of a Brieve only a copy, or extract, from the Record. Whatever truth there may really be in the opinion now alluded to, the reasons assigned for it are certainly inconclusive. That the original Service, or verdict of the Inquest, was always in the first instance retoured to Chancery, cannot be doubted; because the purposes of the Service, as

(6) [See post, pp. 281—283.]

they regarded the interests either of the superior, or of the vassal, could not otherwise be accomplished: and its subsequent re-delivery to the vassal can afford no sufficient ground to infer, that it had not been previously recorded in the Registers of Chancery. That such Registers were kept, is highly probable; and their actual loss, or destruction, is a fact, of which, indeed, no certain account can be given, but to which repeated allusions are found in the writings of our lawyers during the 17th century. In the Report of a case decided in the Court of Session, in the year 1624,(7) it is said, "The Lords found, that Retours of elder dates, before the year 1550, ought not to be decerned to make no faith for non-production, where the principal Service, sealed by the assisers, is produced, albeit the same be not extant at the Chancellary, nor extracted out of the same." In allusion to this case, Lord Stair, who wrote in the reign of Charles II. has said,(8) that "the Service is kept in the Chancery for warrant of the Retour; yet it was found, that Services before the year 1550 were sufficient to satisfy the production in Improbations, or Reductions, without producing the Retour itself; because at that time the books of the Chancery were destroyed by war." And in the report of a case decided in the year 1698, it is stated in argument,(9) that Services, which had not been retoured to the Chancery, were never sustained, "unless Services within a regality, or before the year 1550, when the Records were destroyed by the English." These passages have been quoted because they contain the only information, which has ever been discovered relative to a fact, that is not mentioned by any contemporary writer, but of the truth of which there can be little doubt.

(7) *Durie's Decisions*, p. 111.

(8) *Institutions of the Law of Scotland*, vol. iii. pp. 5. 41.

(9) *Fountainhall's Decisions*, vol. i. p. 819.

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Whatever the nature, or fate, of the more ancient Registers of Chancery may have been, it is certain that the best volumes of the Record of Retours of Services, which now exist, are not of older date than about the year 1630, when the formation of a Register was begun, under any public authority, by Sir John Scott of Scotstoun, who then held the office of Director of Chancery. The earlier volumes of this Record consist of a miscellaneous collection of Retours, of which the oldest is dated 1647, but of which the number, prior in date to 1600, is considerable. From the year 1600 to 1630, the collection becomes gradually more ample, and approaches somewhat nearer to a regular chronological order. From the year 1630 downwards to the present day, the Record may be considered as nearly perfect: and the chronological exactness of its arrangement appears to be disturbed only by those accidental irregularities, which may have occurred in retouring the Brieve and Service to Chancery, and by the occasional introduction of a few more ancient services, which had never been regularly retoured, or which were anterior in date to the commencement of the present Record. The whole collection amounts to 93 volumes in folio; of which only one, relative to the years 1610—1614, is missing. The statement that the Record may be considered as complete, from the period of its regular commencement in 1630, is founded upon the information of the officers in Chancery, aided by the general presumption arising from the interests of individuals in following out the necessary steps towards a feudal investiture in estates of inheritance. This presumption, however, does not apply with equal force to general as to special Services; and there is reason to suppose, that many general Services, even of a modern date, have never been retoured to Chancery, and of course have never entered the Record. This, however, is but of

little moment, compared with another cause of deficiency in the Register of Services both special and general, which operated to a very considerable extent during the subsistence of local jurisdictions of regality. By the grant from the crown, establishing such jurisdiction, the lord of regality was frequently authorized to have a *Capella*, or Chancery, of his own, from which Brieves of Inquest were issued, and to which the Services to lands within the regality were retoured in a manner exactly similar to that, which prevailed in the royal Chancery. Prior to the abolition of heritable jurisdictions by Act of Parliament in the year 1747, the number of such Services must have been considerable; and it is not supposed, that in the ordinary course of such procedure, any of them were ever entered upon the public Records.

In spite of these imperfections, the existing Record of the Retours of Services must be regarded as of very great public utility, by exhibiting an authentic history of the transmission by inheritance of the greater part of the landed property of Scotland, as well as of the descent of the greater number of considerable families, during the course of the two last centuries. The earlier volumes, containing Retours prior to the year 1681, derive a peculiar value from the evidence they afford of those valuations of land denominated the old and new Extents, which are the great standard of freehold qualification in the counties of Scotland. It is scarcely necessary to add, that these Records, though not originally instituted by public authority, have long been admitted as evidence in the courts of law. Hitherto, however, their general usefulness has been greatly diminished by the difficulties of research, occasioned by the want of a proper index of reference.

Briere of Inquest.

Maria, Dei gratia, Regina Scotorum, vicecomiti, et bal-
livis nostris de Aberdeen salutem: Mandamus vobis, et

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cipientes, quatenus per probos et fideles homines patris,
quos rei veritas melius sciri poterit, magno sacramento
terrene, diligentem ac. fidem inquisitionem fieri
intendit, de quibus terris, et annuis redditibus, cum perti-
niciis, quondam Joneta Hepburne mater Willielmi Auch-
latoris presentium, obiit ultimo vestitus et sasitus, ut
modo, ad fidem et pacem nostram, infra balliam ves-
tis; et si dictus W. Auchinleck sit legitimus et propin-
or heres ejusdem quondam Jonetæ Hepburne matris
de dictis terris et annuis redditibus cum pertinentiis, et
legitime setatis; et quantum valent dictæ terre et
i redditus cum pertinentiis nunc per annum; et quan-
valuerunt tempore pacis(10); de quo tenentur, per
ad servitium tenentur; in cujus manibus nunc existunt;
qualiter, per quem, quam ob causam, et a quo tempore.
Et quod per dictam inquisitionem diligenter et fideliter
factum esse inveneritis, sub sigillo vestro vicecomitis, et
sigillis eorum qui dictæ inquisitioni intererunt facientes,
ad capellam nostram mittatis, et hoc breve. Teste meipso.
Apud, &c. die mensis — anno regni nostri, &c.

Vicecomiti et Ballivis suis de Aberdeen.

Retour.

Inquisitio hæc facta fuit in curia vicecomitatus de Adb' tenta in petorio ejusd Tertio die mensis Martii Anno Dñi Millesimo quingentesimo quadragesimo nono coram honorabili viro Thoma Memzies de Pitfoddellis, preposito de Adb' ac vicecomite deputato dict' vic' judice pro tribunali sedeñ per superscriptos viz Alexandrum Fraser de Philort^r W^m Turing de Foverne W^m Udny de eodem Joannem Pantoū de Pilmedden Thoman Annand de Achterallane Alexandrū Buchan de Auchmacoy W^m Forbes de Thaistoun Alex^r Tulliedaff de Ranistoun

(10) The former of these valuations is called the New Extent; the latter, the Old Extent. The history of these valuations, particularly of the latter, has been the subject of much speculation among Scottish lawyers and antiquaries.

W^m Leith de Barnes Ma^{gn}rum Ro^m Lummidene Andream Wode de finersie Joannem Hay Chremondinogat Joannem Kempty de Carmuck Joannem Cheinem Bal-madie Joannem Pantoun de Bullimad. Qui jurati dicunt quod quondam Joneta Hepburne dñia de Schethin mater W^m Auchinlek latoris pntium obijt ultimo vestita et sasita ut de feodo ad pacem et fidem S. D. N. Regine In tota et integra tertia parte trarum et Baronie de Polgony cū teneñ tenañ et libere teneñ servitiis earund unacū molendinis multuris de suis pertineñ nec non tertia parti trarum Schethin little meldrum Tertie partis piscarie unius cymbe vulgo lie fish bait in portu maris de Pettindrume insimul anexat et incorporat ac etiam in tota et integra alia tia parte trarum seu baronie antedict' via Polgony Moncur unacū dona'ne et advocatione cappellanie apud altare sancti dominici infra ecclesiam cathedralm ibid situat^o alternatis vicibus, cum vacare contigerit tertia pte terrarum de Westfeild Schethin little Meldrum fingask Molendinorum et multuarū earund cum tenēn tenañ et libere teneñ servitiis earund unacum itia parte piscarie unius cymbe vulgo lie fish bait in portu maris de Pettindrum cū pertineñ jaceñ infra vic' de Abirdene. Et quā dici W^m est līmus et propinquior heres ejusd quondam Jonete matris sue de predicti una et altera itia ptibus trarum dictarū cum suis ptineñ suprascripñ valent nunc p ānū octaginta libras Et quod tempore pacis aūuatim Tredecim libris sex solidos et sex denarios Et quod tenentur in Capite de S. D. N. Regine per servitium warde et relevii Et quod fuerunt in manibus ejusd S. D. N. Regine per spatiū unius mensis ulī elaps^e Ra'ne nonintroitus per decessum dici quondam Jonete matris ipsius W^m veri sui heredis Jus suū huc usque minime prosequen^r Datum et clausum cum brevi desuper impetrat^r sub sigillo officii vic' predicti nec non sigillis eorum qui dicti inquisitioni intererant die et loco prescripti.

CHAPTER XXX.

ROLI SCOTIAE IN TURRI LONDINENSI ET IN
OMO CAPITULARI WESTMONASTERIENSI AS-
ERVATI.

[*From the Preface to the Rotuli Scotiae.*]

Rotuli Scotiae contain an important collection of documents, illustrative of the Political Transactions between England and Scotland. They commence with the ninth year of King Edward I., and terminate with the eighth year of King Henry VIII. With the exception of two Rolls, relating to the thirteenth and thirty-fourth years of King Edward III., which are preserved among the Records in the Chapter House at Westminster, all the *Rotuli Scotiae* are deposited in the Record Office at the Tower of London.

The materials, of which this collection of historical documents is composed, may be divided into Political Transactions; Naval and Military Transactions; Proceedings relative to Prisoners of War; Rewards to Partisans; Orders for Attainders, and Grants of Pardon to Persons attainted; Revenue; Trade; Ecclesiastical Documents; and various Miscellaneous matters, not referable to any of the preceding heads.

1. Political Transactions of Edward I.—This class of documents relates to the disputed succession to the crown of Scotland, on the death of Margaret of Norway; to the claims of King Edward, as superior lord of Scotland; and to the contest between Baliol, Bruce, and other competitors for the Scottish throne; the attempts of the King and many of his successors to conquer Scotland; safe

conducts to ambassadors; negotiations and treaties of peace; truces; precepts to the lords marchers respecting the keeping of them, and orders to other persons for the same purpose.

2. Naval and Military Transactions.—The Records in this department comprise, preparations for wars with Scotland; precepts to the lords marchers, and to the sheriffs of counties, for levying men; orders concerning their pay and provision; instructions to officers; orders for garrisoning, fortifying, and victualling castles; exemptions in favour of particular persons from serving in the wars, or in garrisons; impressment of ships and seamen for various expeditions, together with notices of the particular classes of soldiers employed, and as to their arms and other equipments.

3. The Proceedings relative to Prisoners of War include, negotiations for ransoming them; licenses and safe conducts to the families and agents of prisoners of war to pass and repass; especial negotiations for the ransom of David (Bruce) King of Scotland, and acquittances for the same.

4. Rewards to Partisans—This class of instruments comprehends grants of estates, &c. generally to persons of Scotland, who had rendered essential aid to the kings of England in their claims to the crown of Scotland.

5. Attainders of Persons having acted against Edward I. or his successors, and grants of pardon to them.

6. Revenue.—Under this head are contained, orders for raising money by various means, particularly by customs to be levied on merchandize, especially at Berwick; the grants and orders concerning which are exceedingly numerous.

7. Trade.—In this class are comprised, licenses to Scottish merchants to trade in certain English ports, and to English and Scottish merchants to trade with foreign ports.

8. Ecclesiastical Documents.—These include grants of benefices, licenses and safe conducts to persons going on pilgrimages to reputed holy places, in Palestine and elsewhere.

9. The Miscellaneous Papers, which cannot with propriety be referred to any of the preceding classes, consist of materials for forming lists of state officers; licenses to particular persons to fight duels in Scotland; licenses to students in Scotland to prosecute their studies in England, particularly at Oxford and Cambridge; grants of wardships, &c. &c.

Of the utility of these important national documents some idea may be formed from the foregoing enumeration of their contents. They may enable future historians to correct errors, and supply defects, and to clear up many obscurities in the histories of England and Scotland. The orders for levying forces, and also those for collecting provisions for victualling fortresses, may furnish grounds whereon to estimate the comparative population and fertility of the respective English counties in early times; and these Records will in various respects furnish much other curious information relative to the state of England, its manners and usages, during the period they embrace (1) (2).

(1) ["For early biography, also, these Records present highly valuable materials. In the middle ages almost every person of the rank of a gentleman served in the field; and it is from documents connected with political and military affairs, that the lives of eminent individuals must be mainly composed. Of many of the most distinguished characters of the fourteenth century not a word is said by any contemporary historian; and the little, which can be collected respecting them, must be wholly gleaned from Records. The poet Chaucer is a memorable example of this remark; for scarcely a circumstance is known of his life, excepting what is derived from the Patent, or Clause, Rolls. Between Scotland and this country there was always a constant connexion, either of a warlike, or pacific, nature; and it must be at once obvious, that the Scotch Rolls are of the utmost utility to persons who are interested in the history of either kingdom." —*Nicolas on the Public Records*, p. 125.]

[“No instance having come to my knowledge where these Records have been

[*From the Appendix to the First Report from the Commissioners on the Public Records.*]

The Contents of the *Rotuli Scotiæ* are, the Mandates issued by the Kings of England, from 19 Edward I. to 22 Edward IV., respecting their attempts to conquer Scotland: their Commissions for Truces and Treaties of Peace; and other Negotiations and Matters concerning that Kingdom, and the English Inhabitants of Berwick, and other parts of Scotland occupied by the English. The Records concerning Scotland, posterior to 22 Edward IV., are to be sought for in the Chapel of the Rolls (3). There are also many Mandates in the Patent and Clause Rolls, which, properly selected, might make a useful Supplement to the *Rotuli Scotiæ*. * * * * *

The chief Materials of the *Rotuli Scotiæ* are, Orders for levying, arming, and victualling the Armies, and for

produced in open court for the verification of a pedigree, I can refer only to the personal use which has been made of them for such purpose. Dugdale quotes them so constantly in his *Baronage*, that I am inclined to think he had copies of them; and it is clear that Elias Ashmole possessed transcripts, as such transcripts are still to be seen with his MSS. in the Bodleian Library. The particulars of some of the families, who accompanied the king in his Scotch wars, especially of the northern families, are so extensive, that they serve almost as a diary. The accompanying extracts are from Dugdale's *Baronage*, and relate to the now extinct family of the Umfrevilles. I am not aware whether there are more, or less, references to the Scotch Rolls in the ensuing account of their family, than there are in Dugdale's account of other families. Umfreville was the first name I turned to."

"Numerous as are the references here made to the Scotch Rolls, in support of the pedigree of the Umfrevilles, it will appear, by a reference to the published copies, that a much greater quantity of information, relative to this family, might have been extracted."—Grimaldi, *Origines Genealogicae*, pp. 88, 89.]

(2) [It has been stated that the *Rotuli Scotiæ* were published under the care of Mr. Thomson.—Dibdin's *Library Companion*, p. 285. This is an error. The task of editing the *Rotuli Scotiæ* was confided to the late Mr. Macpherson, who completed the First Volume, and the greater part of the Second Volume. Mr. Caley and Mr. Illingworth superintended the remainder of the work.]

(3) *Ayliffe's Calendar*, Pref. p. lii.

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ching against the Scots;—Orders for pressing Ships and Seamen, and for Expeditions offensive and defensive; Appointments of Commanders, Instructions to them, Orders for issuing Pay for themselves and their Men, and Rates of Pay allowed to every Rank in the Army;— Grants of Estates (mostly forfeited ones) to Officers and others as Compensation for Services, in some of which we see the different Value of an Estate in Scotland, to be re-occupied by the right owner, and one of putable title in England, of the same Rental;— Orders for raising Money by Contributions, by Feudal Taxes, Forfeitures, selling and letting Lands, Houses, Fisheries, by Customs on Exportation of Merchandise, &c. &c. by additional Subsidies, frequently abrogated as being contrary to the ancient Laws of Scotland, which the Inhabitants stipulated for the enjoyment of, when they surrendered their Town, and for the Application of the Sums collected;— Orders for collecting Provisions and Arms in the various Shires for the Use of the Army and Garrisons;—for garrisoning, fortifying, and victualling the Castles and other places in Scotland occupied by the English;—for Support allowed to Prisoners of War and Exiles, and to their Families, according to their Rank, and Agreements for the Ransom of Prisoners;—and many notices of Prices, or rather of the Value of Money, with an endless variety of other curious and useful matter.

The utility of drawing forth from the invisibility of manuscript this rich fund of unquestionable historical document, may be in some degree estimated from the above enumeration of materials. This Record will be a guiding star to future historians, and will enable them to correct innumerable errors, supply innumerable defects, and clear up many obscurities in the Histories of England and Scotland;—furnishing a store of materials, far superior to any thing ever published, for a History of the English Army,

and the Nature of the Arms and Armour, the names of some of which were totally unknown to Grose, the historian of ancient armour ; and it throws a considerable light upon the naval affairs of the age, but not equal to the information upon the army, as the navy was then very much inferior to the army in importance. The Orders for the Levies may furnish data for estimating the population, or at least the comparative population of the shires, as those for collecting Provisions may give an idea of their comparative fertility. This Record, too, will throw great light on the feudal tenures, wardships, marriages, &c. It will also be an ample fund of information for the genealogist of both kingdoms, and for those who make up catalogues of public officers ; and will give some assistance to the commentators upon Chaucer, Shakspeare, and other writers, whose language is now in a great degree obsolete in England.

ENGLISH RECORDS ILLUSTRATIVE OF SCOTTISH HISTORY.

[*From Appendix to First Report from Commissioners on Public Records.*]

At the Record Office in the Tower, besides the *Rotuli Scotiæ*, and the occasional entries on the Patent and Close Rolls, connected with Scottish affairs, there are various Instruments and Records, of great importance in the early History of Scotland, and that are in particular illustrative of the disputed succession to the Scottish crown, on the death of Margaret of Norway, and of the Transactions of Edward I. in consequence of that event. Of these Instruments and Records no inventory has been published, but some of them are very generally known ; in particular the Great Roll of Scotland (*Magnus Rotulus Scotiæ*) as it has been usually called, on which are recorded the chief steps of the process among the competitors for the crown ; and the Ragman Roll, on which are recorded the Instruments of Homage and Fealty to Edward I., sworn by the clergy and barons of Scotland. Of these two Rolls several duplicates appear to have

been made, and are yet preserved at the Chapter House, Westminster, as well as at the Tower. The first has been printed by Rymer, (vol. ii. pp. 542—600,) but certainly not with that accuracy, which ought to have distinguished such a publication;

it is recommended that a new and faithful Transcription be made of this valuable Record. Of the Ragman Roll no abstract has been ever published, excepting a careless and incomplete abstract by Prynne, in the third volume of his Historical Abreast from the Ancient Records in the Tower; and it is that Abstract that all later historians and antiquaries of Scotland have derived their information respecting it. A faithful transcript and Publication of this Roll is earnestly recommended as a valuable and interesting addition to the materials of a history; and it is suggested, that it ought to make a part of a complete Collection of Records, illustrative of the

chiefly the effect of time, aggravated, perhaps, by injudicious management. * * *

Besides the Collection of Original Writings now spoken of, there are several very important Instruments relative to the Affairs of Scotland in the reign of Edward I. to be found on a Record preserved at the Chapter House, and usually intituled *Liber A.* Of these, also, a faithful Transcript ought to be made, and would be fitly introduced into that complete Collection of Records relative to the Transactions of Edward I. in Scotland, which is suggested as an important desideratum in the History of the Kingdoms.

The only other Repository, which will be mentioned at present as a source from which important materials may be derived, is the British Museum; and among the multifarious matters contained in that vast repository, from which selections may be fitly made, notice will be taken of two Manuscript Collections of Letters and other Writings only.

1. The one is a Collection of Royal Letters, or *Epistola Regum Scotorum*, in the reigns of James IV. James V. and Queen Mary, preserved in the Royal Library at the British Museum, in two volumes, (13 B. ii. and 18 B. vi.) of which a very incomplete edition was given by Mr. Thomas Ruddiman in 1722 and 1723, (2 vols. 8vo.) from a copy in the Advocates' Library.(5) The whole Collection ought to be transcribed and published in a more authentic form.

2. In the Cottonian Library (*Caligula*, B. i.—x.; C. i.—ix.; D. i. ii.) are preserved a great many important Letters and other Writings, (chiefly original,) illustrative of the State and Affairs of Scotland in the reigns of James IV., James V., Queen Mary, and James VI., from which the best historians of that period have derived much of their most authentic information. This Collection ought to be examined with care, and a judicious selection from it would prove an invaluable addition to the materials of the genuine history of Scotland.

(5) [*Epistola Jacobi Quarti, Jacobi Quinti, et Mariae, Regum Scotorum, Eorumq; Tutorum & Regni Gubernatorum; ad Imperatores, Reges, Pontifices, Principes, Civitates, & alios, ab Anno 1505, ad Annum 1545. Interjecta sunt quedam exterorum Principum ac Virorum illustrium literae.*]

CHAPTER XXXI.

COVERY OF THE REGISTERS OF THE PARLIAMENTS OF SCOTLAND FROM MAY, 1639, TO MARCH, 1650.—INDEXES TO THE REGISTERS OF INHIBITIONS, AND ABBREVIATES OF ADJUDICATIONS.—ABRIDGEMENT OF THE REGISTERS OF SEISINS.

*covery of the Registers of Parliament of Scotland
from May, 1639, to March, 1650.*

[Compiled from Manuscript Collection.]

Prefaces to the Fifth and Sixth Volumes of the *Registers of the Scotch Parliaments* contain the following statement.]

The Acts and Proceedings of the second Parliament of Charles I., which first met on the fifteenth of May 1639, and was ultimately continued to the fifteenth of July 1641, were digested into a Record in the usual form. That Record, with the other Public Muniments of the kingdom, was carried from Scotland in the year 1651, and deposited in the Tower of London; and a brief abstract of its contents was drawn up at the time by one of the officers under whose care it was placed (1). After the restoration of King Charles II., it was probably sent back to Scotland along with the other books of Parliament; but the actual destruction of this and of the Records of the subsequent Parliaments, holden in the reign of Charles I., would appear to have been one of the consequences of an Act passed in the year 1661, by which those Parliaments, and all acts and deeds passed and done in them, were rescinded and annulled, excepting in so far as they related to the civil and private interests of

(1) [William Ryley. See *Ayloffe's Calendar of Ancient Charters*, p. 357.]

individuals, which were declared in the mean time to stand good and valid. But though the regular Record may have been thus destroyed, or lost by neglect, a large proportion of the original "Warrants" of that Record, duly authenticated by the signature of the President of Parliament, have been preserved in his Majesty's General Register House. And besides those documents to which the technical name of Warrants more strictly applies, there has been preserved an authentic Series of "Minutes," or brief Abstracts of the daily proceedings both of the committees of Articles, and of the three estates in Parliament, in which the actual course and progress of public business are distinctly marked. From these various original papers, aided in some instances by the Statute Book, printed by authority of Parliament, under the care of the Clerk Register for the time, the Acts and Proceedings of the second Parliament, included in Vol. V. of the Scotch Statutes, have been taken, and have been arranged as nearly as possible, in the exact order of time. These Acts, although deprived of their original legislative authority, are well known to preserve no ordinary degree of historical value; and in the course of judicial discussions, they are still appealed to as constituting an essential step in the progress of the Statute Law of the Kingdom.

In Vol. VI. of the Scotch Statutes, besides the Proceedings of Conventions of the Estates holden in the years 1643 and 1644, are contained the Acts and proceedings of all that were called Parliaments in Scotland, from the year 1644 till the reduction of the kingdom by the English arms, and the suppression of its legislature, in the year 1651. The Records of those conventions of the estates have been preserved; and their contents, which are important in many respects, have been here printed at large. But the Records of the following Parliaments have not been found; and their history and fate are obscure and doubtful. It is ascertained that the Acts and proceedings,

contained originally in detached and authenticated Warrants, had been digested and recorded in books, in the usual manner, down, at least, to the end of the Session, which was concluded on the tenth of June 1648; but of the formation of any subsequent Record, although its continuation to a later period be probable, nothing certain is known. It may, however, be presumed, from the circumstances attending the termination of those parliaments, as well as from other indications, that it had not been completed to a period later than the session, which ended on the eighth of March, 1650: and it seems also probable, that the greater part of these later and unrecorded proceedings escaped the general sweep, which, in 1651, transferred the public Records of the kingdom to the Tower of London. The subsequent fate of these Records is altogether uncertain. There are some grounds for believing that they may have been lost at sea, on their return to Scotland at the Restoration, and some reasons for supposing that they may have been afterwards intentionally destroyed: but thus much, at least, may be presumed, that if they escaped these various hazards, they would be but little cared for, after their legal validity and value had been impaired, and in a great measure done away, by the "rescinding Acts" of the Parliament of 1661. In such circumstances, it cannot be surprising, that a great proportion of the acts and proceedings of these Parliaments should have been irrecoverably lost. Such as yet remain, are arranged in chronological order; and although in many instances little more than a collection of fragments, enough perhaps has been preserved to mark the prevailing temper and policy of the times, as well as to illustrate and correct the historical details of that eventful period. On examining the contents of Vol. VI. it will be found to comprehend what are described as the proceedings of two different parliaments. The first of these was begun on the fourth of June 1644; and was the third

Parliament of King Charles I.; but throughout the greater part of the Record, it appears to have been described as the first triennial parliament of that King; having been the first that was summoned anew and assembled after the passing of the Act appointing Parliaments to be holden once in every three years. This Parliament was extended by "continuations" into six separate sessions; of which the last was concluded on the twenty-seventh of March 1647. The more important public Acts and Statutes of these Sessions were progressively printed, according to the ordinary usage, under the care of the Clerk Register; accompanied with lists of those Acts on which it had not been deemed necessary to bestow a greater degree of publicity. From these sessional publications, the Acts and Proceedings of this Parliament have been taken, interspersed with several Acts and documents, of which the originals, or authentic copies, have been preserved; and to these materials some important additions have been obtained from detached proceedings published at the time by parliamentary authority. The second triennial Parliament of Charles I. was first assembled on the second of March 1648, and maintained a continuous existence through eight successive sessions, into the reign of Charles II.; till its prorogation and final separation on the sixth of June 1651. The public Acts of the three first sessions, extending to the seventh of August 1649, were printed in the usual manner, under the care of the Clerk Register; and, like the former, have been adopted into this volume (Vol. VI.) interspersed, however, with a still larger proportion of other acts and documents, of which the originals, or authenticated copies, have been preserved. The five remaining sessions of this Parliament, beginning on the seventh of March 1650, and ending on the sixth of June 1651, and which were thus crowded into a space of only fifteen months, have not left behind them any regular publication of their Acts, although such a

publication appears to have been in progress; for there are preserved official Lists in which the Acts are discriminated into "printed" and "unprinted." From these lists of Acts, from the original Warrants of some, and detached printed copies of others; and above all, from a series of minutes duly authenticated, the train of proceedings during this interesting period may be ascertained with tolerable exactness.

[These passages will, it is apprehended, be sufficient

to enable the reader to understand the nature and importance of the discovery detailed in the Quarterly Report of the Deputy Clerk Register, made to the Record Board in June, 1826.]

Since the date of the last Quarterly Report, a discovery has been made, which must be regarded as of very high importance. It was, on probable grounds, supposed that the official Record of the Proceedings of the Parliaments of Scotland, from the year 1639 to the year 1651, had perished, or been destroyed; and on recurring to the fifth and sixth volumes of the work, published under the sanction of His Majesty's Commissioners, and to the statements given in the Prefaces to these volumes, it will be seen that the Parliamentary Proceedings of that period have been compiled from materials which, though perfectly authentic, were very incomplete, and that of the Acts of those Parliaments, not one-third part had been found. Of the fate of those Records nothing was known, as it should seem, even as early as the year 1661; for it appears even then to have been taken for granted, that, along with many other Public Records, they had been lost at sea, on the passage from London to Edinburgh; nor does it appear to have been ever suspected, or surmised, that this particular portion of the Parliamentary Records of Scotland had been withheld, when avowedly the whole were surrendered at the Restoration. It now appears, however, that this part of the Records had been removed,

probably for the purpose of more careful examination, from the Tower to the State Paper Office at Whitehall; and it was there, probably, that a brief analysis and abstract of the contents was drawn up by William Ryley, who was a clerk both in the Record Office at the Tower, and in the State Paper Office. In that office they appear to have been afterwards completely lost sight of; and the late Mr. Astle, who there discovered a volume of Records, chiefly Parliamentary, of the fourteenth century, which was restored to His Majesty's General Register House, in 1793, could not have been aware of the existence of those of the reign of Charles I., when he published Ryley's Abstract of them in the collection usually called Ayloffe's Calendars. It was only in the course of the late removal of the State Paper Office from Scotland Yard to Great George Street, (2) that the Records in question were observed by Mr. Lemon, the chief clerk, and were by him pointed out to me as deserving of examination. (3) They were found to consist of four large volumes

(2) [The State Papers were removed from Middle Scotland Yard to Great George Street, prior to the Second General Report from the Commissioners on Public Records, which is dated in July, 1819, nearly seven years before this important discovery.—(*Reports from Commissioners on Public Records*, vol. i. p. 355.) But the abovementioned Registers of the Scotch Parliaments never were in the office in Scotland Yard, that repository not having been established previously to the year 1741, and only for the reception of the modern State Papers commencing about the time of the Revolution.—(*Reports from the Select Committee on the Public Records*, p. 68.) But they appear to have been preserved in the still existing "Old Paper Office," in the Middle Treasury Gallery, from the time of the Commonwealth down to the year 1823, when the laborious Deputy Keeper of State Papers removed them to Great George Street.]

(3) [It is remarkable that the Return from the Commissioners for methodizing and digesting the Papers and Records of State, printed in the Appendix to the Report from the Select Committee of 1800, contains in the enumeration of Records and Papers deposited in the "Old Paper Office," the following item.—"Scotland—Instructions, Declarations, Treaties, and other Papers, relative to that kingdom, 1491—1669. This item was certainly of a kind, at the least, to awake curiosity, especially when it was known that the materials for the

in folio, and to contain a Record of the Proceedings of the Parliaments of Scotland, from May 15, 1639, to March 8, 1650; and having been completely satisfied as to their authenticity, the Lord Clerk Register immediately addressed an application to His Majesty's Secretary of State for the Home Department, for authority to have these books removed to the General Register House at Edinburgh. The propriety of this application having been at once admitted, an order was forthwith granted for their delivery to the Lord Register, in pursuance of which the books were transferred into the General Register House; and on an application by his Lordship to the Court of Session, they were carefully inspected and examined by a Committee of the Judges, who reported it as their opinion, "that the books in question are genuine and authentic Records of the Parliaments whose Proceedings they contain, and that they ought to be deposited by the Lord Clerk Register in His Majesty's General Register House, among the other Public Records of the Kingdom." An order of the Court to that effect has accordingly been given.

"On examining," continues Mr. Thomson, "the contents of these newly-discovered Records, and on comparing them with the contents of the fifth and sixth volumes of the work printed under the authority of his Majesty's Commissioners, I have no hesitation in offering it as my opinion, that these two volumes ought to be withdrawn, and replaced by four others, which, not to disturb the series, might be denominated Volume V. Part First and

Return were principally derived from an old Office Calendar. It is certain, that had any inquiry been made, the lost Registers must have been brought to the knowledge of the learned Editor of the Acts of the Parliaments of Scotland many years before the Fifth and Sixth Volumes of that work were printed: and Scotland would not have the mortification of owing the recovery of such precious Records to a fortuitous visit only of the Deputy Clerk Register in Great George Street.]

Part Second, and Volume VI. Part First and Part Second. Of volume fifth, as it now stands, the first 246 pages, containing the Acts of the Parliament 1625, and those of several Conventions of the Estates in the years 1625, 1630, 1631, and 1632, would remain unaltered. The subsequent part of that volume, from page 246 to page 683, which contains all the original and authentic documents I was formerly enabled to exhibit as a continued series of the Proceedings of the Parliament 1639, 1640, and 1641, it would be requisite entirely to remodel and reprint. The quantity of entirely new and additional matter to be obtained from the newly-discovered Record is not large, but its form would be rendered greatly more regular and correct, and various documents which have been introduced into the text of the Acts, and which are all of an interesting nature, would be drawn into an Appendix, similar to those annexed in the later volumes of the collection. Of volume sixth, as it now stands, only the first 95 pages and the last 110 pages would remain unaltered. The former contain the Proceedings of two Conventions of the Estates, in the years 1643 and 1644, taken from the Record; the latter contain the Proceedings of Parliament from May 15, 1650, to June 6, 1651, of which the Record (if it ever was framed) has not yet been found, and of which no more perfect series than that already printed can yet be compiled. It is to the intermediate period, from June 4, 1644, to March 8, 1650, that the second, third and fourth books of the newly-discovered Record have been found to relate, which, in the sixth volume, occupies only about 480 printed pages, but which the contents of the Record would extend to not less than 1400 pages. This, with the other portions already mentioned, and some necessary Appendixes, could not be contained in less than three volumes of the same bulk nearly with the other volumes of the collection; and with-

out presuming to offer the following detail as absolutely accurate, I conceive that the new volumes might be arranged nearly as follows:

Vol. V. pt. 1 . 1625—1641	668 pages
——— pt. 2 . 1643—1645 (March 8) . . .	500
Vol. VI. pt. 1 . 1645, July 11—1649, Feb. 3, 550	
——— pt. 2 . 1649, Feb. 3—1650	560"

"On the propriety of proceeding without delay to prepare these volumes for the press, I apprehend that nothing needs to be here said by me. The mere transcription of the MS. will occupy some months; and I should conjecture, that with the utmost dispatch consistent with due attention to accuracy, the whole could not be completed at the press within less than four years (§). Taking into account the Tables and Indexes, and other necessary appendages of such a work, this progress would be at the rate of three sheets per week. I only beg leave to add, that I trust the *first volume* of the *Acts* will be completed before it will be necessary to commence the printing of these supplemental volumes."

[The following detailed account of the newly-discovered Records, is taken from the Report made upon the subject by the Lord President, the Lord Justice Clerk, and Lord Craigie:]

The books are four in number. The *first* contains a full Record of the Proceedings of the Second Parliament of King Charles I., which first met on the 15th of May, 1639, and was continued through several Sessions till the 17th of November, 1641. To this volume there is annexed the following docquet:—'These before writtine Actes, Ordinances and Statutes, of the foirsaid Parlia-

(3) [The transcription of these newly-discovered Records was completed early in the year 1829. It is said that their importance has been already demonstrated by the valuable information derived from them in several questions of legal right, which have recently occurred.]

ment, are collected, revised, recorded and booked, be me Sir Alexander Gibbsone, younger, of Durie, Clerke of our Soverane Lordis Rolle Register and Counsell. Witnessing

hereunto my signe and subscriptione manuell. ALEX.

GIBSONE, Cts. Regri."

The *second* of these books contains a full Record of the Proceedings of the Third Parliament, or as it was afterwards called, the First Triennial Parliament of King Charles I., which first met on the 4th of June, 1644, and

having been continued through Six Sessions, was concluded on the 27th of March, 1647. To this volume

is annexed a similar official docquet, in these terms:—

'These before writhin Actis, Statutis and Ordinances, done and past in the sex severall Sessions of this First Triennall Parliament, beginning the fourth of Junij, 1644, and ending the twentie-sevint of March, 1647, ar col-

lected, revised, recorded and buiked, be me S' Alex' Gibbsone, of Durie, Knycht, Clerk of our Soverane Lordis Rollis Register and Counsell. Witnessing hereunto my signe and subscription manuell. ALEX. GIBSONE, Cts.

Regri.'

The *third* volume contains a Record of Proceedings in what were called the First and Second Sessions of the

Second Triennial Parliament of King Charles I. and King Charles II.; beginning on the 2d of March, 1648, and ending on the 16th of March, 1649. To this volume

there is not annexed any official docquet by the Lord Clerk Register; but the greater part of the volume, both at the beginning and at the end of it, appears, on a com-

parison with other documents exhibited to us, to be in the hand-writing of one of the servants, or clerks, under the Lord Register.

The *fourth*, and last, volume contains a Record of Proceedings in the Third and Fourth Sessions of the Second

Triennial Parliament of King Charles II., beginning on the 23d of May, 1649, and ending on the 8th of March, 1650. To this volume there is not annexed any official doc-
quæt; and from an examination of its contents, it appears
that it does not contain the whole of the Acts of these
two Sessions of Parliament: and it therefore may be re-
garded as an unfinished and incomplete Record, which
the adverse circumstances of the times had arrested in its
progress.

That these four volumes had been carried to London,
in the year 1651, along with the other Public Records of
the Kingdom of Scotland, is rendered evident by the
Abstract of the Contents, which has been printed by Sir
Joseph Ayliffe, in the work entitled *Calendars of An-
cient Charters, &c.* On a comparison of that Abstract
with the four volumes in question, their identity is placed
beyond the reach of doubt. From some Proceedings in
the Parliament 1661, it would appear to have been sup-
posed that these Records had been lost at sea on their
return to Scotland, but the situation in which they have
been recently found in his Majesty's State Paper Office,
removes all uncertainty on that head, and proves that, for
reasons not avowed at the time, they had been transferred
from the Tower into that office, and had been either
accidentally overlooked, or intentionally withheld, after
the Restoration, when the general order was given for
sending back the Public Records of Scotland, which had
not been previously surrendered by Cromwell's govern-
ment. The last of these suppositions would appear to be
the more probable, and the measure may have been
adopted in the contemplation of that legislative Act which
soon after followed, by which the Proceedings of the
Parliaments in question were rescinded, saving only the
Acts, Rights and Securities, past in favour of any parti-
cular persons for their civil and private rights.

2. Indexes to the Registers of Inhibitions, and Abbreviates of Adjudications.—Abridgment of the Registers of Scisins.

[The Deputy Clerk Register, soon after his appointment to his newly created office, earnestly recommended to the Lord Clerk Register and to the Record Board, "the expediency and utility of framing Indexes of easy reference to the more important and voluminous Records of Scotland; more especially the Registers of Land Rights, which are the subject of constant and laborious research, the delays and expense attendant upon which have been frequently the subject of complaint." Many schemes were invented for the formation of these Indexes: and measures were taken for their continuance, when once they should have been framed for such a period as might be thought requisite for practical usefulness. The Annual and Quarterly Reports of the Deputy Clerk Register abound with useful remarks upon the best plan to be adopted in Repertories of this nature, and which it will be important to consider, whenever the funds at the disposal of the Record Commissioners shall enable them to extend to the Register Offices of the counties of Middlesex and York, the same generous care, which, it must be admitted, has been most beneficially bestowed for the last twenty-eight years upon the General Register House. For several years the expenses of the compilation of these Indexes were paid out of the accumulated savings of the General Register House, but that fund being nearly exhausted, recourse was had to the monies annually granted by Parliament to the Record Commission.

Mention will be made in this place of such Indexes only as appear to have been *printed* with the aid of his Majesty's Commissioners on the Public Records.]

INDEXES TO REGISTERS OF INHIBITIONS.

Index to the General Registers of Inhibitions from 1781 to 1820.

The following description has been given of this work : a volume (in folio) extending to 370 pages, and intended to answer completely the purposes of its compilation.

Hitherto a search in the Minute Books of this Register for a period of forty years could not have been effected with the utmost industry in less than three, or four days, and that too at the hazard of mistakes and omissions. By means of this Index the same search may be made in one, or two, minutes, indeed as speedily as a word can be traced in any ordinary Vocabulary."

[Only twenty-four copies were printed, a number considered to be fully sufficient for the strictly official use to which the work was destined. At one time it was intended that only six copies should be printed.]

Index to the Particular Registers of Inhibitions from 1781 to 1820.

[This, it is said, has been found to afford a vast facility, as well as security, in the ordinary business of searches in the Records of Land Rights.(4) It seems twenty-four copies were printed in a form corresponding with that of the Index to the General Register of Inhibitions.

The compilation of both these Indexes of Inhibitions from 1821 to a recent period has been completed. There was no intention of printing this continuation until it should extend over ten years; but the manuscript was to be carefully copied and made accessible to the public.]

(4) [In a note to a Quarterly Report, September, 1826, it is stated that the Indexes to the Registers of Inhibitions, General and Particular, have been found to answer completely the ends that were in view in their compilation : that in consequence of the facility and certainty of reference, and the great despatch, which they are found to afford, they are daily resorted to by all persons employed in searches in this class of Records ; and that they have already become the source of an additional public revenue, which will very speedily compensate the cost attending their preparation.]

*Index to the Registers of Abbreviates of Adjudications
from 1781 to 1820.*

[This compilation has been found of great official utility. It forms a folio volume of 336 pages. Twenty-four copies were printed. There is a manuscript continuation from the year 1820 to a late period.(5)]

Abridgment of the Register of Seisins from 1781 to 1820.

[It is said of this Abridgment, that it is calculated to convey the most complete and accurate information of the contents of every instrument entered on the Record, and in that respect will greatly exceed in value the ordinary Minute Books of Seisins: and that, from its particular form, connected, as it will ultimately be, with Alphabetical Tables, the ease and certainty it will afford in searches of this class cannot fail to be highly prized, and to prove of eminent utility: that a regular search for forty years in the General and Particular Registers of Seisins, as applicable to a single estate, or portion, of land, cannot be accomplished with tolerable care in less than ten days, or a fortnight: but that, by means of the work now in progress, it is supposed that the same search might be made, without a chance of error, or oversight, in greatly less than half an hour.(6)]

(5) [The expenses of the Continuations of the Indexes to the Registers of Inhibitions and Adjudications, do not appear to have been defrayed by the Record Board.]

. (6) [Great difficulties must have presented themselves to the construction of this Index. "The nature of these difficulties will readily occur, on recollecting that a reference to Places as well as to Persons is indispensable; that the connection of Persons and Places must be indicated, or rendered easily discoverable, in order to give any considerable degree of practical usefulness to such an Index; that besides the General Register, which may embrace indiscriminately the Seisins of Lands in every part of Scotland, there are eighteen other Particular, or Local, Records of Seisins; and that these Records are transmissible to the General Register House as soon as each volume is completed." — *Thirteenth Annual Report of the Deputy Clerk Register*, p. 15.]

This is the only one of the works now under consideration, of which, with a slight exception, the Compiler can find any notice in any Returns to Parliament.(7) The following details respecting it are taken from a Return made to the House of Commons in 1829.

*"Abridgment of the Registers of Seisins.—This is a work not intended for general circulation, but solely to facilitate researches in the General Register House, which are at present of a most laborious, tedious, and expensive kind; and of which the difficulty has long been progressively increasing. The Abridgment commences with the year 1781, and the first twenty years have been nearly completed at press; and this portion of the work will amount to 3500 pages in folio. The second series, of twenty years, will in extent exceed the first by at least one-half, and cannot be safely completed within less than four, or five, years. It is a work, which must afterwards proceed progressively at nearly the same rate. Only twenty-four copies are printed, and the expense on that head amounts to about 2*l.* 10*s.* per sheet. The expenses of compiling, transcribing, &c. amount at present to about 1100*l.* per annum, and cannot be greatly diminished till the arrear be fully brought up."* (8)

The last Quarterly Report received from the Deputy Clerk Register, March, 1821, gave the following account of the progress of the work.—“The compilation of the first part, or first series, of the Abridgment of Seisins, extending from January, 1781, to December, 1820, is now

(7) [In a Return of the manner in which the money granted to the Record Commissioners in the years 1826, 1827, 1828, was applied, the Abridgment of the Register of Seisins, and the Index to Registers of Abbreviates of Adjudications, are mentioned amongst the works upon which the expenditure had taken place.—*Sessional Papers, House of Commons—Public Records*, 24th June, 1829.]

(8) [*Sessional Papers, House of Commons—Record Commission*, 12th June, 1829.]

very nearly completed. That portion of the work, which is drawn from the Particular Registers of Seisins, is now quite complete: and the number of instruments, that have been abridged, amounts to 140,996. The other portion, drawn from the General Register of Seisins, has been brought down to the year 1817, and already contains 29,664 entries; and within a few months the whole, down to December, 1820, inclusive, will also be completed. Considerable progress has also been made in the compilation of the Second Series, beginning in January, 1821, particularly for the great counties of Edinburgh, Lanark including Glasgow, and Renfrew including Greenock, and the number of instruments within this period already abridged amounts to 15,241; making a total in both Series of 185,801."

The total number of printed sheets at this period amounted to 1197—(4788 pages). (9)]

(9) [The foregoing pages mention all the works, respecting which the Compiler has been able to procure any information, *printed* in Scotland under the authority of the Record Board,—including those of which specimens only have been discovered,—with the exception of the Acts of *Sederunt* of the Lords of the Council and Session, from 1532. Of this last work, two sheets had been printed as a specimen, at the time when the Record Commissioners made their first General Report.—*Reports from Commissioners on Public Records*, vol. i. p. 175. A Return made in 1829, mentions also an Abridgment of the Registers of Entails, as one of the works preparing for the press in Scotland, (*Sessional Papers, House of Commons—Record Commission*, 12 June, 1829,) and an inspection of the King's Printer's Bills for Scotland, would perhaps show that some portion of it has been printed. An examination of such bills for the last thirty years would, no doubt, add to the list of the works, and fragments of works, that have, during that period, been printed at Edinburgh, under the care of the Sub-Commissioner of the Board of

Records: the materials from which the Compiler has collected his information, voluminous as they are, are extremely defective and imperfect. It is proper to state, that partly from circumstances connected with the finances of the Record Board, and partly from the impossibility of obtaining any communication from the Sub-Commissioner at Edinburgh, the prosecution of the works commenced in Scotland has been, for some time, interrupted.]

CHAPTER XXXII.

ACCOUNT OF SOME RECORDS AND MANUSCRIPTS
TRANSCRIBED BY THE ORDER OF THE RECORD
BOARD, WHICH HAVE NOT BEEN PRINTED.—
STATE PAPER OFFICE.

[*From Manuscript Collection.*]

The Red Book of the Exchequer, (its Authority and Contents.)—The Deputy King's Remembrancer of the Exchequer, in his Return to the Select Committee, printed in the Reports on the Public Records, (1) has stated that there is, amongst other ancient MS. books in the custody of the first secondary, “The Red Book of the Exchequer,” containing miscellaneous entries respecting the Court of Exchequer and the kingdom at large, compiled by a Clerk in the Exchequer, who died in 1246, 31 Hen. III.

In order to know what authority the entries of the several statutes in that book are deserving of, it is necessary to ascertain—

(1) [*Liber Rubens*: “The Red Book of the Exchequer, containing miscellaneous entries respecting the Court of Exchequer and the kingdom at large, compiled (excepting some entries in a more modern hand) by a clerk in the Exchequer, who died in 1246, 31 Henry III. Amongst other entries, there are the oaths of the officers of the Court; *Dialogus de Scaccario*, Letters Patent testimonial under the seals of the Archbishop, Bishops, and Legate, named in King John's *Magna Charta*, reciting an *Insperimus* thereof by them made by the King's command, as mentioned towards the conclusion of the said Charter; *Magna Charta*, 9 Henry III.; Sentence of excommunication pronounced in Westminster Hall, 37 Henry III. against the transgressors of the Charters; *Cartae* of William the Conqueror, Henry I. and Edward I.; Bulls of Boniface, Clement, Innocent III. Gregory IX. and other Popes; serjeanties, knights' fees; *prima scutagia* Henry II.; grants, &c. &c.”—*Reports from Select Committee on the Public Records*, pp. 137, 138.]

1st. The period in which its contents were written.

2d. The nature of the several instruments entered therein; and

3d. The degree of authority hitherto given to it.

First.—Lord Coke affirms it was compiled in the time of Henry I. which is erroneous. Mr. Madox has stated it to have been written by Alexander de Swereford, whilst he resided at the Exchequer, in the reign of Henry III. This latter opinion is confirmed by the more early entries of the book being in the handwriting of that reign. The earliest entry commences at page 16, with the laws of Henry III. *De Libertate Ecclesie*, &c. after which succeed the Dialogue of the Exchequer and the Scutages of Kings Henry II. Richard I. John, and Henry III. to the 15th year of the latter reign; all of which entries are in a similar handwriting to that of the Great Charter, *anno 9* Henry III. in page 183. The other instruments entered in this book, subsequent to the reigns of King Henry III. are in a handwriting coeval with the dates of the several instruments, which close about the end of the reign of Edward III.

Secondly.—The nature of the several instruments entered therein. They consist principally of the following, viz.—Charters of William I. Henry I. and Henry III. *Magna Carta*, Henry III. *anno 9*; and the *Sententia Iusta*, *anno 1258*. Laws of Henry I. *de Libertate Ecclesie*, &c. Dialogue of the Exchequer. Scutages assessed *temporibus* Henry II. Richard I. John and Henry III. Serjeanties in divers reigns. Honours in the hands of the Crown by Escheat, *anno 13* John. Infeudations of knights who owed knight service to the Duke of Normandy. Knights' Fees of the ward of Dover and the Cinque Ports. Bulls of Boniface, Clement, Innocent III. Gregory IX. and other Popes. The Compact between King Stephen and Prince Henry, son of Maud, respecting

the succession to the kingdom, *anno* 1153. Charters and Conventions relating to the fealty and service due to King Henry from the Earl of Flanders and others. Charters and other special matters touching the homage of Scotland. The like as to Papal authority. Accounts rendered by Sheriffs, *anno* 1 Henry I. Several Statutes and Ordinances of the Realm, many of which appear to have been sent into the Exchequer, *sub pede sigilli*, to be there kept and observed. Several Placita in Parliament *tempore* Edward I. Enrolments of Grants of the Isle of Wight and of divers manors and lands given and conveyed to the King. The Oaths of the Treasurer, Chancellor, Barons and other Officers of the Exchequer, the Mayor of London, Sheriffs, and others, as printed in the Record Report.

Thirdly.—The degree of authority hitherto given to the Red Book. It has in several instances been deemed, as it is believed, a Record of the Court of Exchequer, and this opinion is further warranted by very few entries being observed therein, except such as are subject matter of record. Among the most important of these are—
1st. The several Statutes officially sent thither under the Great Seal, *sub pede sigilli*, to be there kept and observed. Great stress seems formerly to have been laid by the Courts on the circumstance of the Statutes being sent under the King's Seal. An instance of this occurs in the *Year Book*, Maynard, 8 Edward II. where, upon a Writ of Entry, *Sur Cui in Vita*, the explanations of the Statute of Gloucester were mentioned in argument by the Counsel as a Statute, on which Beresford, Chief Justice, said, "Ou sunt ceux Explanations quil ne sont pas desouth le seale le Roy." Amongst the Statutes entered in the book, the following appear to have been officially sent thither, namely—*Anno* 53 Henry III.—*Provisiones de Judaismo liberali ad Scđm*, p Dñm Walterum de Merton, p. 242, d.

Walter de Merton was Chancellor of England *anno 1 Edward I.* *Anno 9 Edward II.*—The Statute of Lincoln of Sheriffs, sent to the Exchequer by writ, to be there kept and observed, entered p. 276, *dorso*, with the writ and tenor of the Statute, “sub pede sigill.” This writ and entry, with the date, agree with the memorandum of such transmission noticed on the Statute Roll at the Tower, m. 32. “Et fait a remembrer que meisme lesta—“ tut fu seal souz le grant seal et mainde as Tresorer et “ Barons del Eschekier et auxint as Justices de lun bank “ et de lautre de fermement garder en tuz ses pointz.” *Anno 12 Edward II.*—The Statute of York is entered page 274, *dorso*, with the writ, as sent, with the tenor of the Statute, under the Great Seal. *Anno 17 Edward II.*—Ordinances for the regulation of the King’s household and wardrobe, and the accounting for the same at the Exchequer, are entered, page 287, with the King’s Writ, sent under seal in like manner. These Ordinances have been copied from a Roll in the Tower entitled “Rotulus Ordinac’ tangens Garderoþ & de anno r^o & Edwi fil E. 17^o.” *Anno 19 Edward II.*—Ordinances of the King and Council for the amendment of the state of the Exchequer, entered, page 290, with the King’s Writ.

2d. The several Charters of William I. Henry I. and the *Magna Carta*, 9 Henry III.: at the conclusion of the latter is the *Sententia lata*, the only copy on record.

3d. The several scutages, knights’ fees and serjeanties; certificates of the Treasurer and Barons, taken from this part of the book, have been repeatedly sent into Chancery, and have been there admitted as evidence on the part of the King, in cases of traverses of offices, &c.

4th. The oaths of the several officers of the Court, and of the Mayor and Sheriffs, who are sworn according to the ordinance, or form, prescribed in this book—but more especially the Mayor. “Et prestitit hic sacramentum

"suū corporale de bene et fideliter se habendo in officio
"suo predicto juxta ordinationem inde in Rubeo Libro
"hujus Scaccarij folio secundo annotatam."—Prestationes
29 Henry VIII. Rot. 1.; 38 Henry VIII. Rot. 1.—The
oath of the Sheriffs is similar to that entered on the Statute
Roll, m. 34, with a trifling variance.

5th. Grants to and by the King enrolled therein, which are very numerous. It is well known that the King cannot either grant, or take, by deed, *en pais*, but by matter of record only. The numerous instances therefore of enrolments of grants to the King throughout this book, the originals of which grants were delivered in Court to the Chamberlain to be preserved, afford still stronger evidence of the Red Book having been deemed a Record. Page 15.—*Et memoranda qđ Carta quieta clamantia et acquietantia.* Page 317.—*Et memorand̄ qđ tam ista l̄ra patens q "m oīmia alie Cart' scripta et l̄re patentes irrotulata in tribus folijs p̄x p̄cedentibus libata fuerunt Camerarijs hujus Sc̄cij quinto die Sept̄ anno vicesimo R E. fil. R E. in p̄sentia Walteri de Norwyco Baron̄ de Sc̄cio custodiend̄ in Thes' Regis, &c.* Page 278.—Is an enrolment of a grant dated *anno* 20 Edward I. by which is granted to the Jewish converts an annual sum of £202 : 0*s.* 4*d.* for the support of them and the House of Converts. In addition to this evidence, several grants from William de la Pole to King Edward III. have been discovered in the Chapter House, with the official indorsement thereon of their having been enrolled in the Red Book. “*Irr̄ dorso Claus' Cancellar'* R̄ infrascripti mense Marcij anno infrascripto et in Rubeo Libro de Sc̄cio, folio CCCxvij°.” “*Irr̄ dorso Claus' Cancellar'* R̄ infrascripti mense Marcij anno regni ejusdem Regis Anglie vicesimo nono, et in Rubeo Libro de Sc̄cio, folio CCCxix.”

. And in further testimony of the authority and importance attached to this book, a transcript is added of an

original Privy Seal Bill of King Henry VI. (it is supposed) with the King's signature, authorizing the Red Book and other instruments in the Exchequer to be copied into a larger handwriting.

For these reasons the Red Book of the Exchequer may be considered as a book of high authority, inferior only with respect to the Statutes therein contained, to the Statute Roll at the Tower and the other enrolments in Chancery.

Statutes and other Instruments of a Legislative Nature recorded in the Red Book in the Exchequer.

Page 10. Qd nemo occasionet p Morte Petⁱ de Gavastone. Page 181—Statuta H. Regis tercij, beginning—Anno ab incarnatione Dni millesimo ducentesimo quinquagesimo nono Regni autem Reg' Henr' fit Reg' Johis quadragesimo tuncio, &c. Page 183—Magna Carta A° 9° Hen. III. Page 184—Sententia Excōiacōis lata, &c. A° Dni m° cc^{oo} liij°. The only enrolment hereof. Page 197, d. Provisio Dni H. R fit R J. & Magnatum suoꝝ fca ap Windes anno r' sui xl°.—commonly intituled, “Provisio de anno bissextili & die.” After the words “per breve nostrum” are the words “de recto,” omitted in all copies; and the year in print is 44 Hen. III. Various dates have been assigned to it. This is the best copy. Page 242, d. Provisiones de Judaismo liberat' ad Sc̄m p Dñm Walfum de Merton. Ibid.—Forma Observanda in ordine Scripture Magni Rot^{li} A° 54 Hen. III. Page 243—Provisiones facte apd Marleberge, &c. A° 52 Hen. III. This is a very fine copy, and more accurate on the whole than other manuscripts. Page 245—Forma nove Monete. An ordinance of Edw. I. beginning—Premerement ke hom deit fere un estandard de deit demorer al Escheker, &c. Page 247, d. Statutum de Religiosis, A° 7 Edw. I. Page 254—An ordinance De Moneta, dated 29th March, A° 28 Edw. I. It appears to have been cancelled, and entered again in p. 256, with this entry in the margin of the first: “Ista

Ordinatio emendat' p Reg' & c̄siliū suū sicut q̄t in sexto folio seqū." Page 256, d—De Nova Custuma lanarum pellium lanutaz & corioz & concessa sicut q̄t in origiñ Anni t̄cij & E. fil & H. " A la novele Custume, &c." Page 266. De Corporibus Comitatuū de Rotulis annalibus amovend, &c. Tested 24th March, apd Rothlañ, A° 12 Edw. I. The Statute of Rutland.

General Contents of the Red Book.

	Folios.
Transcript' Bullaz Bonefacii ac Clementis	8 & 9
Sacramento Thes' Major' Escaet' Baronū & alior' { 12, 13, 14	
Officiarioz	{ & 15 Old Paging.
Brīa p dictas sequunt' immediate	1, d
Numerus diez assignatoz Vicecomitibz ad compu- tand ad Sccū	2, d
Carte diversaz psonaz de diſsis Manijs tris, &c. { 3 & diversis Regi concess'	foliis immediate
Quod nemo occōnet' p morte Petri Gavestone .	10
Littere & Francie testificañ renunciañ appellañ & accionū fact anamaç de Libreto Milit' Regi Angl de diſsis Rebus ptes Vascoñ tangen'	10, d
Diverse Carte Comitisse Albermarlie Dño Regi fact'	11 & 12
Concessio Decani & Cap̄li Lincoln qđ īpi teneant' invenire unū Capellanū impm celebratur' in Ec- cliā Linc', &c. p aīabz Regū Angl.	14
Carta Isabella de Fortibus de Insula Vecte Dño Regi fact'	14
Carta Johis de Warennā Com' Surr' de diſsis ter' & ten' Dño Regi fact'	15
De libertate Ecclie & tocius Angl observanda Leges Henrici fil c̄questoris	16
Dialog' inter Magistrum & Discipulum de Sc̄cio .	32
Scutagium primum R. Henrici secundi	47 to
in diſsis annis ejusdem Regis { And Regno Ric' primi	51 Feoda Militum.
Johis	52
	71, d

Quot Milites quisquis habuit de veteri Feoffamento de tempe Regis H. 2 ^{di} & de die & anno quo ipē fuit vivus & mortuus et quot hūit de novo Fe- offam̄to Feoffatos post mortem ejusdem Regis et quot feoda Militum sunt sup dominiū unius cujusq; et nomina illoꝝ tam de novo Feoffam̄to quam de veteri Feoffam̄to—tempe Hen. III.	83 to 122
Serjantie in diꝝsis Comitatibꝫ Angl	123 to 128
Inquisitiones facte tempe Reg' Johannis p totam Angl anno scīt Regni sui xij in quolibet comi- tatu de ſvicijs Militum & alioꝝ qui de eo tenent in Capite acđm Rotulos libātes Thāurario p ma- nus Vicecomitum Angl tpe pdco	132 to 149
Inquisitiones de Honoribus Eschaetis aliquo tpe fact' A° xij Reg' Johis de ſvicijs m̄. eařdem .	150
Infeudationes Militū qui debnt ſvicia Militaria Duci Norm & i q̄t miꝫ quilibet tenet ei ſvise— Normannia	160 to 162
Carta Regis Wili conquest' de quibꝫ de Statutis, &c.	162, d
Carta R̄ H. p̄mi fil R̄ W. de libertatibꝫ cōcessis An- glis & huit quilibet Comitat⁹ talem. Testi apud Westm̄ quū Coronatus fui	163, d
— ejusdem Regis de flārijs Monete	<i>ibid.</i>
————— de Comitatibꝫ et Hundris certis locis tenend	164
Concordia inter Regem Stephanum & Henr' Du- cem Norman' fil Matilde, A° 1153 de Successione	164
Conventio fact' inter Henr' Regem Angl & Theo- dorum Comitem Flandr' p quam idem Theodorus fide & sacrō assecuravit Regi ad defend̄ Regnū Anglie contra om̄es hoīes	164, d
Carta recognitiones ſvicioꝝ q̄ Com' Flandr' & Cas- tellani facere debent Regi Angl	165, d
Carta Regis (Wili) Scocie de Homagio facto Regi Angl de terra Scocie & sup multis alijs	166
Carta Regis Riči p quam adq̄itavit Regi Scocie Homagiū suū, &c.	166, b

	Folios.
De quadam alia spāli materia tangen' Scociam . . .	passim
Sic —————— Papam . . .	167
De Conquestione Frederici Impatoris de injurijs ei illatis p Papam	167
De spāli materia tangen' dēm Impatorem . . .	177
————— Epatū Dunolīn . . .	183 in Cedul.
Provisiones A° 53 Hen. III.	181
Magna Carta de libertatibꝫ, A° 9 Hen. III. . .	183
Sententia Excōicaōis lata, &c.	184
De Compot' Vic' in diſsis Com' Angl, A° 1° H. I..	185 to 194
De tractatu Constabularij de feođ sup Ward Dovorr' de diſsis Baron'	195
————— de quinqꝫ Portuū & eoꝫ Membris . .	197
Provisio de anno bissextili & die	197, d
Compoti Honoꝫ Manerioꝫ & Episcop' Abbatuū & Eschaetogꝫ in manu Regis annis 19, 20, 21, 22, 23, 24 Hen. III.	197 to 211
Transcript' lre Rꝫ direct' Comiti Flandr' p quam insinuat eidīn qđ ne p se vel suos subditos cōunicet cū Scotis	237
De inceptione dat' regni diſsoꝫ Regū Angl annotat	241
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[From Manuscript Collection.]

The Red Book of the Exchequer.—The Red Book of the Exchequer, although preserved amongst the muniments of the Court, must not in anywise be considered as a Record. It is one of those collections of a mixed character, partly legal and partly historical, gradually brought together much after the fashion of the Monastic Chronicles, in which the clerks of a particular establishment included from time to time such matters as they thought might be useful, or interesting, to their successors. The *Liber Horne*, (2) in the Town-Clerk of London's Office, is of this character; for amongst the many legal documents, which it includes, we find a most curious Treatise on Husbandry, (extant in other MSS.) and which of course has not the slightest connection with London, or its franchises; and many other collections of an analogous nature exist both at home and abroad. The value, however, of such collections, must be considered as unaffected by the absence of official character. The matter was brought together by persons possessing the most accurate means of information, and who, although they may have occasionally selected documents of dubious authenticity, were guided by the taste of the age, and thus afford evidence of opinion, though the facts, which they adduce, or the instruments, which they preserve, may be of questionable authority.

Alexander de Swereford, Archdeacon of Shrewsbury, who in the 29th Henry III. appears as a Baron of the Exchequer, and who had been one of the "King's Clerks,"

(2) [See ante, Part I. p. 180.]

or officers of the Court, before he was promoted to the Bench, is the compiler of the most important portion of the volume. In a short notice, dated 1230, Alexander de Swereford informs us that he was induced to turn over the ancient Rolls of the Exchequer, in order to ascertain what were the Military Services due to the Crown. From this notice, which, though brief, is of the greatest value, we collect that no Records of the reign of the Conqueror then existed, with the exception of Domesday, and very few of the reign of Henry I. Furthermore, Swereford tells us, that the Exchequer did not contain any general Repertory, or Register, stating the particulars of the Services, and that great uncertainty prevailed concerning the same. Hence, he says, the defect of one "Annual Roll," i. e. Pipe Roll, must be supplied from another. In extracting his accounts from the Pipe Rolls, he points out the difficulties of ascertaining the real extent of the Rights of the Crown, since the Scutages were not exacted from those, who actually performed Military Service, and consequently, the name of a tenant, who was charged in one year, would not appear in the next. But, as he concludes, let those who can, supply my defects—"cum in hoc solo mea fuerat intentio *ut ex rotulis veritatem elicerem, et non ex relatu reproborum.*" It is hardly necessary to observe, that the *negative* information, derived from this account, is as instructive as the positive, and that the selections made with so much diligence and honesty in the thirteenth century, are of the greatest historical value.

The Memoranda of the Scutages thus collected relate to various years, from the Scutage of the 2d Henry II., which Alexander de Swereford considers as the first, which was ever imposed, to the 13th John, arranged according to counties. To these Alexander de Swereford has prefixed a short account of the Rolls, so as to show the occasion upon which the Scutage was levied, and any

remarkable particulars concerning the same. These collections, which, with a note relating to certain Proceedings before the Council in 1227, are all that can be certainly ascribed to Alexander de Swereford, occupy a considerable portion of the volume.

Another considerable portion is occupied by the most important "Certifications" of Knights' "Fees," addressed to Henry II. when he demanded an aid upon the occasion of the marriage of his daughter Maud. These have been published by Hearne, (*Lib. Nig. Scaccarii*, p. 49, &c.) but, in consequence of the defects of the transcripts, which he employed, in an inaccurate and imperfect manner.

Analogous to the preceding, and perhaps also collected and arranged by Alexander de Swereford, are the Rolls of the Serjeanties, or the Shires of England, (*tempore John,*) and the summary of the Inquisitions taken in the same reign concerning tenancies *in capite*.

A large collection of Exscripts, apparently from the Pipe Rolls, belonging to the reign of Henry II., relating to Disbursements allowed the Sheriffs, and also to the Profits and Issues of the County, and of Lands, which they, or others, had in charge by reason of Escheat, Vacancy, &c. In this part of the collection are also included Names of Manors in ancient demesne, which had been subjected to tallage; Extracts relating to the *Dona* rendered by the Knighthood of the Shires, also of Scutages imposed upon them; Terriers in greater detail of some particular honours; Memoranda of aids *pur fille marrier*, granted in the reigns of Henry III. and Edward I.; and numerous miscellaneous Memoranda of matters relating to the territorial rights and revenues of the Crown. Of the same class also is an account of the Knights' Fees owing service to the Duke of Normandy, which, with some variations, perhaps occasioned by the transcribers, is found in Du Chesne (*Scriptores Rerum*



THE RED BOOK OF THE EXCHEQUER.

(*mannicarum*, p. 1045). Du Chesne does not mention the source from whence his text is derived.

For the sake, perhaps, of more convenient reference, the Red Book contains numerous entries, or transcripts, of Deeds and Charters, by which lands, &c. had been conceded, or surrendered, to the Crown; releases of rights to the Crown; accounts of seizures of liberties into the King's hands; and other documents, "making for the King," some of which are as recent as the reign of Richard II. Occasionally Memoranda are added, stating the names of the persons to whom the original Deeds, or charters, were delivered, or the repositories in which they were found. Perhaps the most curious amongst the documents included under this head, are the examinations, or depositions, of the witnesses, relating to the donations made by Isabella de Fortibus to Edward I. of the Isle of Wight, &c. and which are taken according to the forms of the civil, or canon, law. Such an examination in transactions, or matters, relating to matters cognizable in the courts of common law, is of very rare occurrence in the era to which these proceedings belong.

The laws ascribed to Henry I. contained in this volume, have been printed by Lambard, Wilkins, &c. They may be considered rather as coming under the head of Historical Collections, as they certainly did not possess any authoritative character at the period when the Red Book was compiled. The legal collections, which it includes, are Charters of Liberties, the Statute of Westminster, and other ancient statutes, (all printed,) and which were probably entered from time to time for the convenience, or use, of the owners. The royal, or diplomatic, correspondence, contained in the Red Book, includes various Letters and Bulls addressed to the King and Clergy, by Frederic Barbarossa, and by the Popes, Charters relating to the transactions with France and Scotland, of which a

considerable portion is already known from other sources. The oaths of the Privy Council, the ordinance for the King's Household, (printed by Hearne,(3)) the Anglo-Saxon enumeration of the hydes of land in the different shires of England, (*Gale*, 748,) and similar notices interspersed in different parts of the volume, all indicate the modes in which it was formed.

Of matters more immediately relating to the Court of Exchequer, the Red Book contains,

I. The oaths of the different officers of the Court, in English, and apparently of recent date.

II. Oaths of the Barons and Chancellors of the Exchequer,—of a Mayor, or Bailiff, of a City, or Borough, on being presented in the Exchequer,—of Sheriffs, &c. in French, and of greater antiquity.

III. The *Dialogus de Scaccario*, ascribed to Gervase of Tilbury, and printed by Madox at the end of his history.

IV. An ordinance for the regulation of the Mint, 28 Edward I. And an ordinance for the regulation of the Exchequer, and the business transacted therein, 16 Edward II. Two other ordinances of the same description, 17 & 19 Edward III.

V. Lastly, numerous short Memoranda, Precedents, Notes and Observations, intended for the instruction and use of the officers, inserted from time to time, such as Directions of Writs, a Table of the *Dietæ* allowed to the Sheriffs in passing accounts. Amongst these documents is one of considerable importance, inasmuch as it removes all doubts concerning the mode of computing the date of the accessions of our earlier Monarchs. It establishes the fact, that, so late as the reign of Edward, the period intervening between the death of one Monarch and the

(3) [*Liber Niger Scaccarii*, vol. i. p. 341. *Hæc est Constitutio Domus Regis de procurationibus.*]

THE RED BOOK OF THE EXCHEQUER.

succession of his successor, was considered as a species of

interregnum, the inchoate right of the King not being perfect till the day when his peace was proclaimed, from which day his reign was computed; and that after the reign of Edward III. the day of the demise of the King

is reckoned as the last day of his reign, and the morrow

the first day of the reign of his successor.

Tempe R. H. fit R. Johis.

Tempus gruerre duravit a iii^{to} die April anno xlviij usq;

..i diem Septembr anno xlix qū apud Wyntoñ post

de Evesham pax fuit p̄clamata.

anno ejusdm xli^o ivit apud Walſt.

anno ejusdem xlii^o fuit p̄vid Oxoñ.

Anno ejusdm xlviij^o fuit bellum apud Lewes scilicet xiiii Maii.

Anno ejusdm xliix fuit bellū apud Evesham scilicet iiii die Augusti.

A° Dñi m'ccxvi. Me^d qđ daī R. Henr' fit R. Johnis mutuavit in festo Aþloþ Simon & Jude videlicet xxviii die mens Octobr & obiit in fo Aþloþ Simon & Jude a° r° sui lvi^{to}.

Iñm daī R. E. filii dči R. H. mutuavit singulis annis dię S̄ci Edmi R. videlicet xx die mens Novembr & obiit anno xxxvi^{to}.

Iñm daī R. E. filii R. E. mutuat^r singulis annis in festo Insulaðis S̄ci Thome Martir' vidȝ vii die Julii.

A° Dñi m.cccxxvii. Iñm daī R. E. scii a conquestu mutat^r singulis annis xxiiii die mensis Januarii & obiit xxi die Junii a° r. sui li^o etat^r sui lxv^{to}.

Et memorand qđ idem R. E. fnsfretavit p'mo fsus Brabant die Vefis xvi die Julii anno regni sui xii^o sicut continent^r in b̄ri de Magno Sigillo de pdonač debitoꝝ quod est in b̄ria de anno xiiii^o.

A° Dñi m.ccclxxvii. Iñm daī R. E. scii a conquestu mutat^r singulis annis in festo S̄ci Albani accideñ xxii die Junii & cessavit penult^r die Sep̄t anno r. sui xxii^{to}.

A° Dñi m'ccclxxix. Iñm daī Reg H. iiii^{to} a conquestu mutat^r singulis annis in festo S̄ci Jeronimi accideñ xxx^o die

Septembr v³ in c^st S^ci Michis & obiit xx^o die Mar^c a^o r.
sui xiiii^o.

A^o Dⁿi m^occccxiii. Item da^t Re^g H. v^{ti} a conquestu mutat^r singulis annis in festo S^ci Bened^ci accideⁿ xxi die Marcii & obiit ultimo die Augusti a^o r. sui x^{mo}.

A^o Dⁿi m^occccxxii. Item da^t R^x H. vi^{to} a conquestu mutat^r singlis annis in festo S^ci Egidii accideⁿ primo die Septemb^r xxxix annis.

A^o Dⁿi m^occcclxi. Item data Re^g E. quarti mutat^r singlis annis quarto die Marcii. Et obiit nono die Aprilis anno regni sui vicesimo f^cio.

A^o Dⁿi m^occcclxxxiii. Item da^t Regis E. quinti inchoavit eodem nono die Aprilis & cessavit xxii^{do} die Junii tunc sequeⁿ videt anno regni sui primo.

Item da^t Regis Ricardi f^cii mutat^r singlis annis xxvi^{to} die Junii. Et inf^ectus fuit in bello ab Henrico septimo vicesimo secundo die Augusti anno regni sui f^cio.

A^o Dⁿi m^occcclxxxv. Item da^t Regis Henrici septimi mutat^r singlis annis vicesimo primo die Augusti.

A^o Dⁿi m^od.viii. Item da^t Regis Henrici octavi mutat^r singulis annis vicesimo secundo die Aprilis & obiit xxviii^o die Januarii anno r. sui xxxviii^o. (4) (5)

(4) [Respecting the *Liber Rubeus* of the Exchequer, see Madox, *History of the Exchequer*, vol. i. p. 624, and Nicolson, *English Historical Library*, pp. 172, 173; Grimaldi, *Origines Genealogicae*, p. 53; and *ante*, Part I. p. 178.]

The *Red Book of the Irish Exchequer* is said to afford some curious matters for selection. It comprehends some ancient Statutes, Forms of Writs, &c.—*Reports from Commissioners on the Public Records of Ireland*, vol. i. pp. 158, 159. 405. 467. See also *Reports from Commissioners on the Public Records of Great Britain*, vol. i. pp. 302. 304; Nicolson, *Irish Historical Library*, p. 55; and also *ante*, Part I. p. 178.]

(5) [*The Liber Niger Scaccarii* was published by Hearne in 1728, a second edition appeared in 1774: (*Liber Niger Scaccarii, nec non Wilhelmi Worcesterii Annales Rerum Anglicarum. Accedunt Chartæ Antiquæ, et Opuscula Varia Historiam et Antiquitates Angliae spectantia, et antehac inedita.*) The learned Bishop Nicolson gives the following account of this compilation.—“The Black Book is supposed to be compiled by Gervase of Tilbury, nephew to King Henry the Second, in the twenty-second of that King’s reign. In this we have the history of the first institution of the Court of the King’s Exchequer; the reason of its being

LIBER DE ANTIQUIS LEGIBUS.

[*From Manuscript Collection.*]

Liber de Antiquis Legibus.—Looking attentively at the extracts from the book, *De Antiquis Legibus*, preserved in the office of the town-clerk of London, (6) it seems probable that it may be of considerable importance in illustrating the history of the country. It appears to be, generally, a plain narrative of facts, in which the citizens

London were anxiously interested in the latter part of reign of Henry III., and though the citizens of London were eager partizans of the Earl of Leicester, it seems to be an impartial narrative. Many of the transactions passed in London, and all must have been probably more within the knowledge generally of the people

named *Scecuriam*; the names and titles of all the officers, both on the Exchequer and Treasury sides; their duties, privileges, fees, &c.; the order and form of issuing out writs and tallies; the manner of stating the accounts of those times, and the way of collecting the rents, both in money and purveyances of victual, &c. Some share of the book at least, as particularly the last chapter save one of the first part, which bears the title *de Libro Judicario*, Sir Henry Spelman ascribes to Hen. de Bloys, Bishop of Winchester. I know not what authority that worthy person might have for such an assertion, but I suspect that Bishop's being nephew to our first Henry, as Gervase was to the second, and there being frequent mention made of the state of the Treasury under the former of those Princes, might occasion the mistake. In other places of the same work, he confesses the book was commonly reputed to be Gervase of Tilbury's; and in the conclusion, he seems to have been fully brought over to that opinion himself, and boldly ascribes it to him. Mr. Madox, who has given us a correct edition of this Treatise, is of opinion, that Richard (Nigelli filius or Nelson) Bishop of London, was the true author; and his reasons are hardly to be answered.—Nicolson, *English Historical Library*, p. 173. See also *Bibliotheca Legum Anglie*, part ii. p. 23, and Grimaldi, *Origines Genealogicae*, p. 51.

"The Black Book of the Irish Exchequer contains, amongst other matters, the Forms of Oaths of Office, which are considered to deserve publication, as being the "recorded evidences of the obligations imposed upon and undertaken by Public Officers, who are sworn to discharge the various functions connected with the administration of our Laws and Government."—*Report from the Commissioners on the Public Records of Ireland*, vol. i. p. 405.]

(6) [See ante, Part I. p. 180.]

of London, than of monks residing in convents. It probably shows, also, more distinctly the temper of the *Londinenses*, the *barones de quinque portibus*, and the *mediocris populus regni*, who are represented as refusing the award of the King of France, inasmuch as “non posuerunt se super Regem Franciæ,” which agrees with the record of the award, the submission appearing to have been by the king and certain barons on the one part, and other barons on the other part. The book seems also to refer to the provisions of Oxford, as contained in another book; and of those provisions there seems no evidence, except the Annals of Burton. If those provisions are contained in the other book,(7) that book also must be a valuable document. It would be proper therefore that the Record Board should apply for copies of both those books. In making such copies it would be very important to ascertain clearly what was the original text, and what has been added by way of note, or otherwise: and also to ascertain what parts of the original text have been written at one time, and what at another, as far as the difference of hands, or other circumstances, may mark a distinction. If the first mentioned book was composed from time to time, as the events related happened, its authority would be considerable. Some able person should be selected to make the transcripts, and note whatever may occur on attentive perusal, and examination of the originals.(8)

[*From Manuscript Collection.*]

Liber de Antiquis Legibus.—The book in the office

(7) [See *ante*, Part I. p. 180. The Compiler is not aware to which of the volumes, or manuscripts, preserved in the office of the Town-Clerk, allusion is here made.]

(8) [This short notice of the *Liber de Antiquis Legibus* was written in the year 1824, by the late Lord Redesdale.]

LIBER DE ANTIQUIS LEGIBUS.

of a man-clerk known by the singularly unapproachable name of *Liber de Antiquis Legibus*, consists of two portions, or classes, of matter. The most valuable portion is an account of the succession of the sheriffs (the *Fasti*) of the city, from the coronation of Richard I., and which gradually expands into a full and interesting chronicle. The first historical notice of any extent is the account of the landing of Louis of France, in 1215, when he was invited by the barons against King John. These incidental notices become more and more enlarged; and from 1244, the *Fasti* assume the form of annals, containing accounts of the most remarkable events of the year, and which are of extreme interest, since we may be assured that they are narrated by a contemporary. During the period of the Civil Wars, and the whole later period of the reign of Henry III., this chronicle is particularly interesting, inasmuch as it furnishes many details not preserved in any other authority. Amongst other examples of its value in this respect may be pointed out the narrative of the Parliament at Westminster, 49 Henry III., which discloses some very remarkable facts relating to the conformation of the assembly, and which are neither entered upon the Records, nor told by any chronicler.—See *Lords' Report*, 2d edit. p. 464. In the 7 Edw. I. this chronicle terminates, with the exception of some dispersed and scattered notices of later date, the last being of the 20 Edw. II. Subsidiary to the foregoing is a chronicle of the Kings of England, from William the Conqueror to John, with various additions and contemporary notes of events as late as the 11 Edw. I. The latter, i. e. the additions, ought to be considered as parts of the main chronicle, though not inserted exactly in order. The second portion consists of historical notices, or excerpts, some historical, others legendary, of the most miscellaneous description. The

story of the Old Woman of Berkeley—of the Roman Witches, who transformed men into asses—the Rise of Robert Guiscard—how Hildebrand obtained the Papacy—King Canute's Letter to the English nation—the Adventures of Gunhilda—the Succession of the Roman Pontiffs, in metre, and also of the Archbishops of Canterbury. Most, or all these notices, or at least the substance of them, may be found in authors already in print; but they are curious, as showing the kind of reading of a town-clerk of the thirteenth century. The third portion, or class, consists of documents more particularly relative to the customs, rights, and franchises of the city. Of these, the principal is the assize of Richard Fitz Aylwin. This, the earliest specimen of a London bye-law, is a *building act*, directing the mode of the construction of houses, and the mode of proceeding in cases of encroachments, purprestures, or nuisances. This curious document is very interesting, whether considered in relation to the history of domestic architecture, or the history of legislation. The third feature, or class, consisting of public documents, includes entries of the Statute of Marlbridge, the *Statuta de Judeis*, &c. already known.

[*From Manuscript Collection.*]

Liber de Antiquis Legibus.—A complete transcript of this book has been made from the original, in three hundred and nine pages: prefixed to it is a catalogue, or *catalogus*, of its contents in forty-six chapters, which describes in a summary manner what they consist of, from whence it may be gathered that a very considerable part of the book relates to miracles and monkish tales. These engross nearly the whole of the first eight chapters. The ninth relates to the Roman Pontiffs; the tenth to the Roman Emperors, and the eleventh to the origin of the nation of the Franks, and certain particulars respecting

Charlemagne and Bede. From this chapter (eleventh) to the thirty-sixth, inclusive, are recorded many historical notices of early times. The thirty-seventh and thirty-eighth chapters relate to the assay of bread in the city of London, and to the plea used in the city called assize. The thirty-ninth contains the names of the bishops of the several dioceses from a very early date; and the fortieth, the names of the Archbishops of Canterbury also. Chapter forty-one has the names of the sheriffs of London written in order; the forty-second, the names of the mayors of the said city; the forty-third, the chronicles of the mayors and sheriffs of London, and what happened in their times; forty-fourth, provisions made by King Henry III. and his council for the amendment of the English laws; forty-fifth, a charter of the same king at Westminster for the repression of the malice and perfidy of the Jews, &c.; and the forty-sixth closes with the history of a monster formerly seen in the confines of Britanny and Normandy, that had two heads, &c. No perfect reliance can be placed on the fidelity of this Catalogue, or Table of Contents; the chapters are in fact noted in the margin no further than from the first to the fifteenth chapter, inclusive, and they omit many things of greater import and value than those, which they describe—such as Royal Ordinances of Henry III.—and notice only as *cronica* in chapter forty-three, what appears to be a well-digested statement of City Annals of all the transactions between the king and the citizens, during the troublesome part of the reign of Henry III., omitting also several accounts of the meetings had of different Parliaments of the same period. There are, likewise, interspersed in the Annals here alluded to, various Royal Writs and Proclamations, unnoticed in the titles: nearly the last transaction recorded in this book seems to be that of the citizens of London purchasing their peace of the king for twenty-

five thousand marks sterling. None of the entries appear to extend further than the early part of Edward III. Notwithstanding some curious and valuable particulars may be gleaned from it, more especially as relating to London itself, and its laws and usages, it is conceived that its publication entire would neither be useful nor desirable.

[*From the Appendix to the Report from the Committee on the Cottonian Library.*]

The Memoranda.—*Memoranda*, or Remembrances, which are esteemed the principal Records of the Office (*The King's Remembrancer's*), contain all matters enrolled in the Office, and chiefly consist of the particulars following, *viz.* Writs of *Scire facias*, and proceedings thereupon, for Recovery of Debts due to the Crown: Extents, and proceedings thereupon: Commissions of Inquiry, and proceedings thereupon, whereby the Estates of Debtors and Accomptants to the Crown, and Estates forfeited, or belonging, to the Crown, are seized into the King's hands: and Commissions and Inquisitions thereupon returned, or certified, into the Court of Exchequer on Attainders, or Forfeitures for Treason, or Felony: Informations on Seizures, made in the several Ports of England, of Goods forfeited for non-payment of Customs, or unlawful Importation, and proceedings thereupon: Personal Informations, and proceedings thereupon, for Forfeitures arising to the Crown, and sometimes to the Crown and the Informer, by Offences committed against Penal Laws: Transcripts of Outlawries certified into the Court of Exchequer, and proceedings thereupon, whereby Seizures are made of Lands and Goods into the King's hands. All Recognizances taken in the said Office. Proffers, being the particular Sums of Money payable half-yearly into the Exchequer by the Sheriffs

THE MEMORANDA.

of the several Counties, Cities, and Towns in England, and Bailiffs of particular Liberties. Several Grants and Patents under the Great Seal, and Privy Seals, for several purposes, and Warrants and Constitutions under the Sign Manual. Several Deeds and Conveyances of Estates made by private persons. Affidavits of such Goods for which Customs have been paid, and which have been afterwards either lost at Sea, or taken by enemies. Also many Decrees and Proceedings in Equity on English Bills and Informations. The above *Memoranda* begin in the reign of Henry the Third, and are digested into Annual Rolls, which are subdivided into Terms, and the Year of the King, or Queen, is indorsed on the outside of each Roll. Of which *Memoranda*, Entries, or Calendars, are made in Books in the said Office, styled Books *de Agendis*, from the reign of Edward the First, which are likewise entered on rolls called Repertories, from the reign of Edward the Second to the time of King Charles the Second, containing the Number and Contents of each particular Roll of the said *Memoranda*. Other Records, not included in the said *Memoranda*, are such as are not enrolled, &c. &c. (9)

[*From the Appendix to the First Report of the Select Committee of the House of Commons on the Public Records.*]

The Memoranda. — The *Memoranda* (*Lord Treasurer's Remembrancer's Office*) consist of the Enrolments of a variety of Pleadings in Suits, commenced and prosecuted in this Office, according to the course of the Common Law, with the Judgments of the Court thereon; particularly upon Writs during the existence of the military tenures of *Quo titulo clamat*, and of Writs of

(9) [See also *Reports from Select Committee of the House of Commons on the Public Records*, p. 155.]

Quare maneria, &c. in manibus Regis seisiri non debent; of Pleadings on Petitions of Right grounded upon Records in this Office; Pleadings and Judgments upon Claims of Franchises and Privileges within cities, boroughs, manors, towns, and liberties; Pleadings respecting Fines, Issues, and Amerciaments contained in the Estreats delivered into this Office from the several Courts at Westminster, and other jurisdictions; a few Commissions heretofore issued to survey Lands and Woods belonging to the Crown, with the Returns thereof; Proceedings of the Court of Exchequer concerning the Accounts of Sheriffs, Escheators, and Bailiffs; and a variety of matters concerning the charge and discharge of the King's Debtors and Accountants; States and Views of Accounts of the greater and lesser Accountants of the Kingdom; Orders of the Court of Exchequer on this Remembrancer's Side concerning the Land and Casual Revenue of the Crown; Entries of Presentations and Admissions of several of the Officers of the Court of Exchequer, and other Officers; and of Enrolments of Deeds and Instruments, acknowledged before one of the Barons of the Exchequer, or a Commissioner for taking acknowledgments of Deeds in the Country: of all which *Memoranda* there is a Series from the beginning of the reign of King Henry III. to the present time. (10)

[From an unpublished Tract.]

*The Memoranda, (in the King's Remembrancer's Office,) beginning in the reign of Henry III. and carried down to the present time, are digested into Annual Rolls, and subdivided into Terms, containing Enrolments (*inter alia*) of Extents of Lands and Proceedings thereon;*

(10) [See also Report from Committee on the Cottonian Library, May, 1732; Reports from Committees of the House of Commons, vol. i. p. 515.]

Commissions of Inquiry, whereby Estates, forfeited, or belonging, to the Crown, are seized into the King's hands, and the Inquisitions thereupon returned and certified into Court; Attainders and Forfeitures; Charters, Grants, and Patents under the Great and Privy Seal for several purposes; Deeds and Conveyances made by private persons and enrolled; many Decrees and Pleadings in Equity, and numerous Pleadings and Judgments in Informations of Intrusion and *Quo Warranto* at the suit of the Crown. To the whole of the above Records, except the Bills, Answers and Depositions, there is a most valuable Index *Locorum et Rerum*, in two Manuscript Volumes, preserved in the Inner Temple Library, made many years ago by a Mr. Martin, one of the Side Clerks in this office; which is sufficiently full and useful for the finding of any Grant, Patent, Decree, or other proceeding, enrolled, or entered, on the *Memoranda*, or in the Decree Books. This Manuscript has been recently published, by order of the Benchers of the Society of the Inner Temple, for the use of the Public. (11)

The Memoranda (in the Lord Treasurer's Remembrancer's Office) commence in the beginning of the reign of Henry III. and continue to the present time, and contain the enrolments of—Charters, Grants, and Patents to Religious Houses, Cities, Towns, Lords of Liberties, Bishops, Colleges, Schools, Trading Guilds, &c. Pleadings and Judgments, during the existence of the feudal tenures, in *Quo Titulo*, *Quare Maneria*, &c. *in manibus Regis seisi non debent*, &c. Pleadings on Petitions of Right relating to tenures and the descents of Nobles and Great Families, and upon claims of Franchises within Cities, Boroughs, Vills, Manors, &c. Commissions to survey Harbours, Forests, Lands, Woods, &c. belonging to the Crown, with the Returns thereof. Deeds and Con-

(11) [See post, p. 337.]

veyances of Estates by party and party, acknowledged before the Barons. Proceedings concerning Mayors, Sheriffs, Escheators, &c. Also a great variety of matters, containing useful and important information both to Suitors, Historians, and Antiquaries, elucidating and proving the Descents of Titles to Peerages, and Titles to Real Property, Tithes, Franchises, Liberties, Customs, &c. which it is almost impossible to enumerate within any reasonable compass.

[*From Manuscript Collection.*]

The Memoranda.—The Records (*of the Lord Treasurer's Remembrancer's Office,*) besides the *Originalia*, comprise the *Memoranda*, which are of equal, if not greater, importance and value than the former, as being composed (amongst other things) of Pleadings and Judgments upon Claims of Franchises and Privileges within Cities, Boroughs, Manors, &c. Pleadings on Petitions of Right, and various other matters of importance. These Records commence with the reign of King John, but are of more curiosity than use until the reigns of Edward the Second and Third, and those of their successors, when they will be found to be of great assistance in tracing the descent of families and property, and this particularly in the proceedings upon the writs *Quo titulo clamat*, and *Quare Maneria, &c. in manibus Regis seisiri non debent.*

[It was formerly supposed that no earlier Rolls of *Memoranda* existed than those of the reign of Henry III. but a few years since it was discovered that the Rolls for two years (1st and 9th) of the reign of John are still extant.

It seems at one time to have been the intention of the Commissioners to print a portion of the *Memoranda*. They were transcribed down to the 10th year of Henry III.

and it appearing that the entries subsequently to that date were much more numerous and less concise, it was suggested that they should be carefully selected and abstracted from such last-mentioned time to the end of the reign of Edward II.

The transcripts and abstracts of the *Memoranda* are at present deposited in the Speaker's Gallery. They are all come from the Lord Treasurer's Remembrancer's Office, and form five volumes folio.

I. 2 to 8 Hen. III.

II. 8 to 14 Hen. III. There is a note at the beginning of the volume, that there are no Rolls extant from 14 to 22 Hen. III.

III. 22 to 44 Hen. III.

IV. 44 Hen. III. to 19 Edw. I.

V. 19 to 26 Edw. I.(12)(13)

(12) [*The Memoranda*.—“ The valuable Records called *Memoranda*, commencing in the reign of Henry III. and consisting of the enrolments of a variety of pleadings in suits commenced and prosecuted according to the course of the common law, with the judgments of the Court thereon, particularly upon writs during the existence of the military tenures of *Quo Titulo clamat*, and of writs of *Quare Maneria*, &c. in *manibus Regis* seisiri non debent ; of pleadings upon petitions of right grounded on Records ; pleadings and judgments upon claims of franchises and liberties within cities, boroughs, manors, towns, and liberties ; pleadings respecting fines, issues, and amerciaments, relating to the estates of the nobility, gentry, and clergy, contained in the estraits delivered from the several Courts at Westminster and other jurisdictions ; commissions to survey woods and lands belonging to the Crown, with the returns thereof, and many other commissions and returns of great value ; proceedings of the Court of Exchequer, concerning the accounts of the sheriffs, bailiffs, and estreators, and of a variety of matters concerning the charge and discharge of the King's debtors and accountants ; the accounts of the greater and lesser accountants of the kingdom ; orders of the Court of Exchequer on the Remembrancer's side, concerning the land and casual revenue of the Crown ; entries of presentation and admission of the several officers of the Court of Exchequer, and other officers, and of enrolments of private deeds, instruments, and conveyances of estates acknowledged before one of the Barons, or of a Commissioner in the country ; enrolments of charters,

The Originalia.—[Repertories of the *Originalia* in the Lord Treasurer's Remembrancer's Office, in the Ex-

grants, patents, &c. made to religious houses, boroughs, cities, and towns, lands of liberties, bishops, colleges, schools, trading companies, and other public bodies, patents of creation of titles, dignities and honours, commissions on attainders or forfeitures, warrants, writs, &c. under the great seal, privy seal, and sign manual. The *Brevia Regia*, which are indorsed on the *Memoranda Rolls*, are the most ancient writs of that description in the kingdom, and in their natures as various as the wishes of Sovereigns in the early time, they are often in the shape of letters."

"It is impossible to give general heads sufficiently descriptive of the nature of the *Memoranda*, as they contain such a vast variety of things relating to secular and religious matters. The pleadings of *Quo titulo*, as well as claims of franchises, and other proceedings, throw great light upon the descent of property, and refer to where the original grants are to be found recorded. The claim of Sir Nicholas Bacon to all fines in the liberty of St. Edmund's, in the county of Suffolk, made in the 1st Elizabeth, traces the original title of the abbey, and the descent of the franchises to himself, which is through several grants and confirmations of grants from the crown to the abbey, afterwards by surrender from the abbey to the crown, and in conclusion by grants from the crown to various persons, and the inheritance from them to their heirs, the particulars of which are set out at great length. The claim of the abbot and convent of St. Edmund, of several liberties granted to them, recites at full length ancient charters granted to that abbey from very early times, and among them some granted by Canute and Hardicanute."—*Grimoldi, Origines Genealogice*, pp. 151, 152. See also pp. 99, 271.]

[Respecting the *Memoranda* see further *The Report of the Lord's Committee*, April, 1719, pp. 54, 78, *Madox, History of the Exchequer*, vol. ii. p. 114 et seq., *Strachey, Index to the Records*, p. 53, *Jones, Index to the Originalia and Memoranda*, Preface, p. xxxi., *Martin, Index to various Repertories, Books of Orders and Decrees and other Records preserved in the Court of Exchequer*. (See ante, p. 334.) *Nicolas, on the Public Records*, p. 57; and *Price, Treatise on the Law of the Exchequer*, pp. 270—272, 499, 649, and Appendix, 735 et seq.]

(13) [*The Memoranda of the Irish Exchequer.*—In the King's, or Chief Remembrancer's, Office, Dublin, are the *Memorandum Rolls* of the Equity Side of the Court of Exchequer. They reach from the reign of Edward II. to the present time. On them various matters besides the Decrees of the Court, and *audit compito*, are enrolled, such as Charters of Towns, Letters Patent, Woods, Liveries, Acts of Parliament, Grants of Lands and Offices. The entries are said to be highly interesting and curious, and it was recommended that a Repertory to these Rolls should be compiled and printed.—*Reports from Commissioners on Public Records of Ireland*, vol. i. pp. 157, 414, 423, 544.

chequer, were some years since framed by the direction of the Record Board. These Repertories begin with the

"The Memoranda Rolls of the (Irish) Exchequer commence in the first year of the reign of Edward II. (1307,) and from that period contain a copious and valuable fund of interesting and curious information, relative to the ancient legal practice and proceedings of the Court, the appointment and nomination of its Officers and other Ministers, the transfer and disposition of Property, and the rights and privileges belonging to it. They are also particularly illustrative of several facts connected with the general History of the Country; but being hitherto unexplored, and no Books of Reference now remaining to any of them previous to the reign of Henry VIII. and even since that time but very imperfect ones, their contents are almost entirely unknown. The importance, therefore, of a Calendar, judiciously formed, of all the material and important matters, which they contain, and which throw so much light on the former state of this country, is too obvious to need further illustration."

"It was supposed for a long time, even after the proceedings under the Record Commission had commenced, that all the Rolls in the Exchequer, from the 6th of Edward I. (which is the date of the oldest Record in the office,) were Memoranda, or Exchequer, Rolls; but upon a close investigation of their contents, it was found that there were amongst them several Rolls containing entries of Common Pleas. For example, the Roll of 6th Edward I. is a Common Pleas Roll, entitled, *Essonia Placitorum Communium, &c. coram Roberto Bagod et Sociis suis*; at which period this Robert Bagod was Chief Justice de Banco, i.e. of the Common Bench, Dublin. This Roll is also entitled *Essonia de Malo ven', Malo lecti, &c. coram eisdem; Placita Corone coram eisdem in Gildhalda Dublin*, being chiefly Pleas of the Crown; and it also contains entries of Amercements (*Amerciamenta Corone*) imposed by the Justices in Banco. The contents of this ancient Roll are thus particularly described, as those of the 8th, 10th, and 31st years of Edward I. are also Rolls of Common Pleas, containing the same matter, and generally held before the same Justices. The Roll of the 31st year is entitled *Essonia et Placita coram Justiciariis de Banco*. Rolls of Common Pleas have also been found interspersed amongst the Memoranda Rolls of the succeeding reigns.—There is another species of Rolls here, differing as well from the preceding, as from the Memoranda Rolls. These are Rolls of Pleas and Proceedings held sometimes in Parliament, and at other times in various parts of the kingdom, before the Chief Justiciary, or Governor, of Ireland, who made frequent Circuits throughout the Kingdom, for the purpose of administering justice, similar to the Justices Itinerant in England during the same period. The Roll of the 28th Edward I. commences, *Placita de Parliamento Dublin, a die Pasche in quindecim dies, anno Regis Edwardi 28.* There are also several entries of *Placita de Parliamento, coram Johanne Wogan, Capitali Justiciario, et aliis de consilio.* This was similar to the practice in England,

first year of the reign of Henry VIII. and are continued to the end of the reign of James I. In July, 1820, they

where sometimes cases of weight and nicety were tried, both before and after the Conquest, in the King's Courts, held before himself in person, at the time of his Parliament. These Rolls are well worthy of investigation. There are also Rolls of *Placita querelarum Assizarum, &c. coram Johanne Wogan apud Dunegorian,* and the like, in many other places throughout the kingdom. The Rolls of the 33d, 34th, and 35th Edward I. are of the same nature; *Placita coram Johanne Wogan Justiciario Hibernie,* and sometimes *Coram Edmundo Bottiller Custode Hibernie.* There are several other Rolls of a similar nature in the succeeding reigns. Why these Rolls, which did not originally belong to the Exchequer, were deposited amongst its Records, will appear from Madox's *History of the Exchequer*, vol. ii. p. 25. He says, "The Exchequer was the great Repository of the King's Records, thither the Records of the Court holden before the King, of the Court of Common Bench, and of the Justices in Eyre, were brought, to be laid up in the Treasury there," and to prove this, he quotes several instances in the reign of Edward I. But he adds, "I need not go about to prove by ancient Records that the Treasury of the Exchequer was a Repository for the Rolls and Records of the several Courts above mentioned; the matter is evident of itself, for at this day we find the ancient Rolls and Records of the Court held before the King, of the Common Bench, and the Justices Itinerant for Common Pleas and for the Forest, deposited and still remaining in that Treasury, under the custody of the Treasurer and Chamberlain of the Exchequer." The same may be said of the Exchequer in Ireland, which was the great Repository of the King's Records here, and this consequently accounts for the Records of the Common Pleas, and the other Rolls already described, being now found in this office. Although it is certain that the Exchequer in England did hold Common Pleas previously to the 28th Edward I., for by the *Articuli super Cartas*, made in that year, it was provided that no Common Pleas be thenceforth holden in the Exchequer, contrary to the force of the Great Charter, it does not appear that they were held so early in Ireland. It is however certain that Pleas were held in our Exchequer soon after that period, but they were generally of matters *tangentia Regem*, the Suitors were generally styled *firmarii Regis*, and the Judgments of the Barons were commonly entered *Consideratum est, &c.* Vide the Memoranda Rolls, *passim.*"

* * * * *

"The Records, or Bundles, made up by the Remembrancers of the Exchequer, were usually called *Memoranda*, or *Remembrances*, it was usual to make one Bundle, or Roll, every year, and each Roll contained several heads, or titles; such as *Communio*, the common, or ordinary, business of the Court. *Compota*, or *Computi*, Accounts, *Verae*, Views, and *Adventus*, the coming of Accountants to the Exchequer. In the reign of Edward I. Madox cites the following heads,

were deposited in the British Museum. They fill twenty-five volumes.

Vol. 1..... 1 to 13 Hen. VIII.	Vol. 14..... 29 to 32 Elizabeth.
2..... 13 — 28	15..... 33 — 36
3..... 28 — 35	16..... 36 — 39
4..... 35 — 38	17..... 39 — 42
5..... 1 — 4 Edw. VI.	18..... 43 — 45
6..... 4 — 7	19..... 3 — 5 James I.
7..... Philip & Mary.	20..... 5 — 7
8..... 1 — 6 Elizabeth.	21..... 7 — 9
9..... 6 — 9	22..... 9 — 11
10..... 10 — 15	23..... 12 — 15
11..... 16 — 20	24..... 15 — 17
12..... 20 — 24	25..... 18 — 22]
1..... 24 — 28	

Dodsworth's Transcripts of the Pipe Rolls in the Bodleian Library, Oxford.—[Some small part of these transcripts appear to have been copied by the Rev. B.

or titles : *Communia, Affidationes*; under this head are *Visus, Dies dati, and Po' lo' s', Recognitiones, Brevia pro Rege, Precepta facta super Compota, Visus Vicecomitum, Adventus Vicecomitum super proferum suum*; and in the reign of Edward II. *Adventus Vicecomitum, Dies dati Vicecomitibus ad computandum post proferum, Commissiones et Littere Patentes, Communia, Fines, Manucaptiones, Reditus, Affidationes et Visores, Brevia directa Baronibus, &c.* The same heads, or titles, are contained in our *Memoranda Rolls*, as may appear from the several Extracts hereto subjoined."

" On these Rolls was entered a great variety of business. For instance, the King's Writs and Precepts of many kinds, relating to Revenue, Tenures, and other matters agitated in the Exchequer; Commissions of Bailiwicks, Custodies, Farms, &c.; Presentations, Admissions of Officers in the Exchequer, and other departments; Pleadings and Allegations of Parties, Judgments and Awards of the Barons, Recognitions, or Recognizances, of Debts, and Conventions, or Agreements, of various kinds; Accounts and Views of Accounts, with several Acts relating to Accounts; Inquisitions of Sheriffs, Escheators, and others; and, in general, all those things, which were comprised under the term *Communia*, or common business. Also, many Memorandums *pro commode Regis*, to controul Accounts, or to save the King's rights, &c. They also contain many other particular matters, which cannot be classed under any of these heads; from which it seems, that the *Memoranda Rolls* of the Irish Exchequer

Bandinell (one of the Editors of the new edition of the *Monasticon Anglicanum*,) who, finding the MS. to be exceedingly defective, declined to proceed any further in the work. It being desirable to have some information respecting the accuracy and extent of Dodsworth's transcripts, before the Record Board gave directions for copying the original Rolls, a learned antiquary was requested to inspect them. The following short queries and answers will show the result of his research.]

1. "For what period do the transcripts exist?"—"They are in six folio volumes, (No. 4151—9), No. 12—17 in the Dodsworth Collection, containing the roll for the 5th of Stephen, (which is the earliest Pipe Roll extant, and the only roll of that reign,) the rolls for the years 1—34 of Henry II.; 1—10 of Richard I.; 1—17 of John; 2—52 and 56 of Henry III.; 2—30 of Edward I.; and 13—18 of Edward II.; each reign occupying one folio volume."
2. "What probable amount of pages will a transcript fill?"—"The total number of leaves, exclusive of the indices, is almost exactly 1300. * * * The MS. is difficult to be read."
3. "Do the transcripts seem to have been made by a competent person, and to possess apparent exactness and fidelity?"—"Of the competency of Roger Dodsworth, a most eminent record-hunter and copier, there must be so little doubt, that on a complete transcript made by him, very great reliance might be placed. But it is certain, from the careful examination that I have bestowed on several parts, that these MSS. are *not transcripts*, but only hastily written extracts, of various extent, according to the abundance, or scarceness, of the objects of Dodsworth's peculiar regard. Often only one name is found to have been extracted

are of a more miscellaneous nature than those of the Exchequer in England, at least as far as the latter have been described by Madox." * * *—*Reports from Commissioners on the Public Records of Ireland*, vol. ii. pp. 622, 623.]

[See also *ibid.* vol. ii. p. 73. See also *A Classified Schedule and General Inventory of the Memoranda Rolls preserved in the Chief Remembrancer's Office*, *ibid.* vol. ii. p. 522 et seq.]

from the year's account of a whole county. The first and most ancient roll seems to have been fully copied, or at least more copiously extracted, as there are thirty leaves of it; while the next (2 Henry II.) occupies only fourteen leaves, and the others usually occupy ten, or more, or less."

"I shall inclose a copy of the first leaf (which is not so closely written as others) and of another page taken as an indifferent specimen, which may be compared with the Rolls. My own opinion is this, (and I think it will be confirmed by the collation,) that these volumes contain only extracts relating chiefly to the baronage; which, however valuable they may be to the late antiquary, whose views correspond with those of the collector, are totally unfit for publication, and the money that it would cost for transcribing them (if for that purpose) would be comparatively thrown away. I write this decidedly, because I am persuaded that it would not be worth the while to print these collections of an old antiquary, the only usefulness of which in publication could be to help in supplying names, &c. where the parchment may have become rotten or faded since 1648."

"Collectiones ex Magnis Rotulis Pipe in Scōio Dñi Regis remanentibus per Rogerū Dodsworthe Ebora-censem, 1648."

"Incipit Magnus Rotulus Pipe de Anno Quinto Regis Stephani.

Qui

Rotulus p aliquot centenos Annos elapsos, errore Librarij, in Rotulo Sexto membrana secunda, et in tergo, annotatus et signatus fuit quasi Rotulus Magnus Pipe fuisse Anno primo Regis Henrici secundi, Quod falsissimum esse ex indubio Rotulo Magno Pipe de Anno secundo Regis eiusdem, facillime evinci possit, cum nulla inibi ratiocinia istis, in hoc rotulo expressis, vti in ceteris omnibus observatum est, respondeant. Et Nomina vicecomitum Anni primi dicti Regis, in libro Rubeo Scaccarij designata, folio ciiij^{xx}ⁱⁱ et viij^{mo}, ab eis in hoc Rotulo exhibitis, omnino differunt,

et* postremo quod hic Rotulus sit de Anno Quinto Regis *f. I^b. Stephani, et non de tempore Regis Henrici primi, euiden- tissime colligi possit ex Rotulo^f membrana duodecima, et ^{taic.} Rotulo quinto, membrana prima, et Rotulo duodecimo, membrana prima, inuicem in hoc Rotulo magno.

“ Incipit Annus Quintus Regis Stephani ex Magno
Rotulo Pipæ.

Oxonias.

“ Roþtus reddit compotum de firma comitatus “ De Oilli
Oxonie. v'te 37^m.

Idem Roþtus deþ xvij^{li}. nūo de veteri firma manerij de Gersendona, ij. annoz.

Et Id Roþtus deþ cc. 7 xvij li. 7 xvi^s. 7 viij^d. et xxx m̄. auri de debito patris sui, p pecunia iorð de Oilli.

Et Idē Roþtus deþ cccc. m̄. argenti de Gersoma pro comitatu habendo.

Restoldus redd̄ compotū de clvj li. 7 xi^s. b̄l. de veteri firma Oxoñ. In Thaūro xlvj. li. b̄l.

Et Id Restol⁹ deþ cc. 7 xxxix. liþ. 7 xv^s. 7 ij^d. nūo p defectu comitatus, videlicet in Annona, 7 domibus 7 Gran- gijſt molend. 7 piscar² 7 villañ 7 bordař. 7 Buris. 7 bubul- m. 2. cis. 7 feno, et in defectu trē quę n̄ erat lucrata.”

Et Idē deþ xxvii^{li}. & iiij^d p defectu boum & * * * & vaccarum & porcoz & ouium.

Et Idē deþ vii^{li}. x^s. q^oq^z anno p memoribꝫ Regis, q̄ adeo destructa fuit qd null⁹ vic. potest inde reddere firmam.

Et Id deþ xi^{li}. iii^s. & iiij^d. de firma trē Rogi Maledocti q̄ huīt in custodia, & nichil inde reddidit. Et inde est in iñia Regis.

Et Id deþ c & xv^{li} & viii^d q̄ iniuste abstulit villan' & Burgensibꝫ de ppriis manēr Reg, p⁹q̄ Rex mare t̄nsiuit.

Rad. fit Amař red̄ compot' de diñ. m̄. auri p tra q̄ dirronavit contra Wiliam Lond. In Thaūro lx^s. p diñ. m̄. auri. et quiet⁹ est.

EDSWORTH'S TRANSCRIPTS—PIPE ROLLS.

Walfus Archidiač reddt compot' de C. & q̄t **xx** m. arg.
p̄ plač qd fuit inter eum & Restold⁹ vic.

John de Scō Johe r. qp. de C & lx. m̄. arg. p̄ trā
Thome fr̄is sui in Anglia. In Thaūro xl. m̄.

Hugo de Talemasche r. qp. de iiiij^l. & xiiij^l. iiiij^d. p̄ denat.
q̄s libavit Joñi de Scō Johe sine precepto Regis.

Et Id vic. r. qp. de xxxvij^l. d̄ 1. murdro in diñ. Hun-
dred de Bensintona. In pdonis p̄ br̄ Reḡ Brient * com̄
xxvij^l. et quietus est.

Walfus de Ansguilla r. qp. de xv. m̄. arg. p̄ conces-
ne trē de Lilingeston cum Nepte Riç fit Ursoñ.

Henric⁹ de Lamara r. qp. de xxvij^l. & vi^l. & viij^d. p̄
ministerio patris sui de Velt⁹ria, & viij. le trē sue. Et p̄.
mortem fr̄is sui, p̄ illa trā q̄ fr̄ suus habebit, de trā pri⁹
eo⁹ de C. m̄. ařg. & ii. dextrař. et xl. m̄. arđ. de ēuent̄
fr̄is sui.

“ Chent.

110. “ Hugo de Doura r² qp².

Noua placita 7 Noue conueñ ad maritandū filiā B.

Hugo de Doura r² qp² de ix^l. 7 vj. s. 7 viij. d. p̄ * de
veteri feoff. et i. m̄. d. nouo feoffamento.

Walfrus de Maiene r qp de xix. l. 7 vj. s. 7 viij. d. de
veteri feff. 7 de Nouo. **xx**. s.

Wifls de Auerench⁹ r² qp² d. xiiij. li. 7 vj. s. 7 viij. d. q̄
init de veteri feff. et de nouo xxxij. s. 7 iiiij. d.

Wifls fit Hebt⁹ r² qp² de xlvj. s. 7 viij. d. de veteri feff. et
ij. s. 7 viij. d. de Nouo feff.

Walchelin⁹ Maminot r² qp² de xvij. li. p̄ mit de veteri
feff.

Daniel de Creuecuer r² qp² de xvij. li. p̄ mit de veteri
feff.

Walchelinus Maminot deß i. m̄. de Nouo feff.

Wifls de Ros deß iiiij. li. 7 xiiij. s. 7 iiiij. + p̄ mit *.

Id vic' r² qp² de xj. li. de Auxil de Hou.

Surreia.

Iđ vic' r' qp'.

Noua placita 7 Noue Conueñ ad maritandū filiā R.

Abbas de Certeseia r' qp' de iij. m̄. p. iij. mił. q's recognoscit se debere Regi, et deb. i. m̄. p. i. mił. quem n̄ recognoscit se debere Regi.

Explicatur Annus xiiij^{tus} Regis
Henr' scđi."

“ Staffordscire.

“ Hervei⁹ de Stratton r' qp'.

“ Essex 7 Hurtfordscire.

Robert⁹ Mantell⁹ r' qp'.”

f. 153.
23 H. 2.

(with 2 more entries on that roll, and only the Sheriff's name from the counties of Bucks and Bedford, and Southampton.)

Miscellaneous Transcripts.

[From Manuscript Collection.]

Ipswich Domesday.—Some time in the reign of Edward I., or perhaps earlier, there was a false Common Clerk in the town of Ipswich, who purloined the Old Domesday containing the laws and customs of the community, together with divers other monuments and records. The written documents having thus disappeared, great abuses arose in the administration of Justice—and judgments were perverted arbitrarily and corruptly in favour, or disfavour, of the party. The commonalty, having taken these abuses into consideration, determined, 19 Edward I., that it would be “honourable chose et commendable,” to reduce their customs into writing as they best might, and to this intent the “black boke,” or existing Domesday,

was compiled. The volume is a small quarto, very fairly written, and from its contents it should seem that the false town-clerk had not made an entire sweep of their records. The first division of the book consists of the customs and usages of the town, divided into eighty-three chapters. They regulate the procedure of the town courts—declare the customs of the Burgage tenures, and define the rules of the municipal officers. The second division contains a transcript of the roll of proceedings, 2 John, when the *communitas* accepted a charter. In the third there is a transcript of the roll of foreign, or non-resident, Burgesses admitted upon payment of fines. Prefixed are transcripts of the town charters, of later date than the body of the compilation.

Winchelsea.—The laws, usages, and customs of the town, port, or hundred, (from Bil. Cott. Julius, B. iv.) The mode of electing the officers, their salaries and duties, and the forms of procedure in the courts of the franchise are very particularly detailed in this book, compiled in the reign of Hen. VI., but of which the ground-work belongs to a much earlier period.

Sandwich.—Customs of this town from the last mentioned manuscript—compiled by Adam Champneys in the year 1301, the town-clerk. Great doubts, he says, prevailed as to the customs of the port, for nothing could be found relative thereto in writing. Therefore that, which he had heard from his predecessors, he writes down for the use and instruction of those, who may be called to govern the town. Appended are some documents of later date apparently added by the transcriber.

Fordwich.—Charters, customs, and usages of this borough, town, and hundred. (from Claud. D. x., Faust. A. i., Julius, D. ii.) This town belonged to the Abbey of St. Augustine. The legal as well as the municipal customs are stated in great detail.

Hereford.—The customs of the city declared, or testified, by the mayor and bailiffs, at the request of the bailiffs of Rhuddlan, who wished to be informed thereof, in order to improve the government of their own town. (Bib. Harl. 696.)

Reading.—Establishments, or byelaws, of the burgh, principally relating to trade and merchandize. (Bib. Harl. 1708.)

Northampton.—Laws, and customs, and byelaws of the burgh, recorded towards the close of the reign of Henry III. (from a manuscript in the possession of Mr. Douce). Various regulations as to trade, &c.

Torkesay.—The laws, franchises and customs of this ancient burgh, once a place of great importance, but now almost wholly decayed, from the original roll preserved among the Cotton Charters (II. 14.) The mode of proceeding in the prescriptive courts, as well as the constitution of the burgh, are given with much particularity.

London, 3 vols.—Collections from the "Letter Books," in the town-clerk's office, from Edw. I. to Rich. II., principally relating to the election of citizens to serve in Parliament, proceedings in the city connected with parliamentary transactions—proceedings relating to the existence and promulgation of the statutes, and other matters relating to those portions of local policy tending to explain the general government of the realm.

Bury St. Edmunds.—Extracts and collections from the register compiled by Brother Andrew Astone, (Bib. Cott. Claud. vii.) relating to the disputes between the convent and the men of the burgh, (temp. Edw. III.) the latter having attempted to create themselves into a free community, or corporation.

St. Albans, 2 vols.—Extracts and collections from the conventional register (Bib. Cott. Claud. E. iv.) relating to the military services due, or extracted, from the Abbey,

the municipal liberties claimed by the townsmen and refused by the abbey.—Various parliamentary proceedings.

Shaftesbury Domesday. (Bib. Harl. 61.)—This survey of the possessions of the Shaftesbury Monastery, taken in the reign of Henry II., is of great importance in the history of Tenures, inasmuch as it connects the Exchequer Domesday with the general series of territorial records in the hundred rolls, &c. It is arranged according to townships. Each tenant is mentioned by name, each rent, together with all the rents and services due therefrom, is separately described.

Inquisitions, 3 vols.—The beginning of a collection intended to show the nature and tenure of the possessions belonging to the individuals summoned to parliament by special writ, or returned as Knights of the Shire, and which when completed will assist in the great constitutional questions, whether tenure by barony was the original qualification for the House of Lords, and whether the Knights of the Shire were merely representatives of tenants *in capite*, or of the freeholders at large.

Registrum Brevium, temp. Hen. III.—From a coeval manuscript in the public library of the University of Cambridge, (K. K. 5. 33.) of great importance, inasmuch as it shows us how to ascertain what were writs *de cursu*, or proceedings not requiring the special authority of the council in the era immediately preceding the commencement of the series of Parliamentary Records.

Acts and proceedings of the Council—Council Bills, &c., during the reigns of Rich. II., Hen. IV., V., VI. (Bil. Cott. Cleop. F. iii. &c. 8 vols.)—This collection, to be completed from the Tower Records, embraces the transition period when the Council was losing its character as a branch of the High Court of Parliament, and assuming a form more analogous to that of the modern Privy Council.

Parliamentary Bills, Petitions, &c. (66 vols.)—From the originals in the Tower. These volumes relate to every species of public, or private, business, which came before Parliament, the Council, or the Council in Parliament, from the reign of Edward I., to Edward IV., and in proportion to their bulk, they afford more information both as to public and private history, and the administration of the law, particularly the rise and progress of equitable jurisdiction, than any other class of records.

Returns of the Commons, from 1 Edw. III. to Hen. V.—From the originals in the Tower. From Hen. IV. begin the returns by indenture, stating the electing parties, and thus evidencing the right of election.

Proceedings pursuant to the Edict of Kenilworth, 52 Hen. III.—From the original rolls in the Chapter House. Justices itinerant were employed to receive complaints against all persons implicated in the illegal acts of force, or disseizin, committed during the civil war, and to afford redress. These rolls contain the inquests thus taken in the counties of Essex, Hertford, and Berks, and afford a curious view of the general state of the country after the great conflict.

Rolls of the Curia Regis, tempore Rich. I.—From the originals in the Chapter House. The most ancient judicial records not only in England, but in Europe. The king's court constituted the *nucleus* of Parliament, and as such these proceedings form a most interesting feature of parliamentary history. The *Abbreviatio Rotulorum*, &c. published by the Record Commission, only contains a very small number of abstracts and notices extracted from the original rolls.

Extracts from the Rolls of Placita coram Rege, in the Chapter House. (Edw. I. & II.) 13 vols.—Trials in the court of common law, commenced by virtue of a petition in Parliament, form an important part of ancient parlia-

mentary jurisdiction. These form a portion of the extracts. Others consist of proceedings in Parliament transmitted to the King's Bench for enrolment, or promulgation: and the rolls also contain much matter illustrative of parliamentary proceedings and of the political events of the times.

[*From Manuscript Collection.*]

Carte Papers in the Bodleian Library, Oxford.

The greater part of this immense collection, relating to the history and antiquities of England, is of a comparatively modern date; and from the period of the accession of Queen Elizabeth, A.D. 1558, must be of infinite importance for illustrating the affairs of our country. These documents, being now placed in the Bodleian Library, and consequently out of the reach of the generality of curious inquirers into such matters, superadded to the difficulty of gaining access to them, it was thought proper to spend some time in searching particularly through the volumes, and compiling a sort of general abstract of contents, which might be at hand at all times, as a reference to this noble treasure of political knowledge.

There is an Index, in one volume, folio, compiled, it is conjectured, by Mr. Carte, consisting of about 400 pages, in a small but legible character. This Index is particularly valuable;—it contains an accurate list of the different articles in each volume, with references to the lettering and pages of such volume, the date of the instruments, &c. and was of great assistance in drawing up the following general abstract, which, from the magnitude and variety of the contents of most of the volumes, was not an easy task. Endeavour was made to seize upon the more prominent and apparently valuable part, and to compress rather than dilate. Hence the references to the contents of some of the volumes may be considered as meagre;—

it would have been easy to have extended the account, but in that case it would have been necessary to transcribe from the Catalogue instead of simply referring to it for further information. Care has also been taken to note, when possible, the dates of the first and last articles in each volume, more particularly the Letters. There probably never was collected by any individual, since the days of Sir Robert Cotton, such a valuable mass of authentic documents relative to the History of England; which must be the foundation of every history since the commencement of the reign of Queen Elizabeth. The collector spared neither time nor expense: searched into matters himself, not trusting to others. A bare MS. Catalogue from Carte's own copy would be highly valuable to the historian, the references being so exactly noted, that the article sought for could be found immediately, by simply turning to the volume and page. At the end of this Catalogue the contents of two volumes, PPP and PPPP, have, however, been noted more particularly.

CARTE MSS. Folio.

AAA.—Letters of Thurloe and others to General Montagu, from 1656 to Dec. 1661.

BBB.—Letters to Edward, Earl of Sandwich, from 1644—1660.

CCC.—after 1660.

DDD.—Miscellanies, from Nov. 1643: An Account of the Action at Brentford: Letters and Newspapers from 1690—1699, sent to the Earl of Huntingdon.

EEE.—Collection of the Earl of Huntingdon's Papers, temp. Qu. Eliz. Jac. I. and Car. I.

FFF.—Papers relating to Antiquities, Families, Law Cases, &c.

GGG.—of Philip, Lord Wharton, &c. 1665—1698.

N. B. Prefixed is a Paper about the design upon the King's Life in the Isle of Wight, and Apology for Lord Wharton.

HHH.—Particulars concerning the Treaty with the Scots, 1643, 4—6, 7.

CARTE PAPERS.

III.—temp. Car. II.: Act of Uniformity: Popish Plot and Recusants.

KKK.—*Lettres de M^r. le Marquis d'Effiat, amb^r. de Louis XIII. en Angleterre, pour y negocier le Marriage d'Henriette Marie de France avec Charles I.*

LLL.—*Traité de paix : Negociation de M. Montreuil, &c.*

MMM.—*Negociations de M. Sabran, amb^r. en Angleterre de 28 Mai, 1644—27 Sept. 1645.*

NNN.———— de la Broderie, 1606, 7, 8, 9, and 10. 2 vols.

OOO.—*Lettres et Negociations de M. Antoine G. de Noailles amb^r. en Angleterre, May, 1553—1560, 2 vols.*

PPP.—*Traitées et Memoires de France et d'Angleterre, 1193—1391.*

QQQ.—*Recueil de divers Traitées entre les Roys de France, &c. 1448—1617.*

RRR.—*Miscellaneous—Customary of Anjou and Maine, in 16 chapters, Apr. 29, 1503.*

SSS.—*Titles and Extracts of Treaties of Peace: Charters, &c. relating to England, preserved in the King of France's "Tresor de Chartres," and in the keeping of the Procureur General. (A MS. written by T. C. at Paris.)*

TTT.—*Journals of the House of Lords: Acts of Parliament, &c., 1572—1605, 6.*

UUU.—*Patents of Creation of Peers from the Empress Maud.—Ric. III.*

VVV.—*Journal of the House of Commons 16—18. James I. 1620, Nov. 28, 1621.*

WWW.—*Miscellaneous Papers --- Foreign and Domestic Affairs.*

XXX.—*Extracts from Lord Lovel's MS. History of the Irish Rebellion, 1641: compiled from the Nuncio Rinuccini's Papers by an Irish Priest.*

YYY.—*Answer to the Earl of Anglesey's objection to the Duke of Ormond, 1682.*

ZZZ.—*Marquis of Clanrickard's Letters, Nov. 1641, 30 Aug. 1643.*

AAAA.—Extracts, Letters, &c. &c.

BBBB.— Do. Do.

CCCC.—Papers and Letters of Philip, Lord Wharton, &c.

DDDD.—Catalogue des poinçons et des carres de Médailles et de jetons dans le bureau des Monnoyes de Médailles du Roy de France, 2 vols.

EEEE.—Papers and Letters, temp. Jac. I. and Car. I.

FFFF.—Miscellanies since 1700. Extracts and Catalogues : (inter alia) A French Translation of Tho. Carte's general account of Materials for a History of England, of the proposed subscription, and the method in which he intends to carry on that history. (14)

GGGG.—Miscellanies : Antiquity and Dignity of Parliament, by Sir Robert Cotton : Several Speeches in Parliament : Treatise concerning the Star Chamber.

HHHH.—Concerning the Bishop of Rosse's book, " of the right and succession to the Crown of England," A.D. 1580.

JJJJ.—Extracts, Catalogues, &c.

KKKK.—Treatise of the Chancery and other Courts.

LLLL.—Antiquities of Britain.

MMMM.—Miscellaneous.

NNNN.—Antiquities. Extracts from ancient books relating to the History of England.

OOOO.—Do. Do.

PPPP.—(Contents more particularly noted, *post.*)

QQQQ.—Petitions concerning Forfeited Estates in Ireland, &c.

RRRR.—Do. and some printed English Tracts.

SSSS.—Dr. Brady's Treatise of the Parliament of England.

TTTT.—Transcript of Dr. Brady's Treatise of the Parliament, &c.

UUUU.—Matters of Antiquity and History.

VVVV.—Papers chiefly relating to Ireland.

WWWW.—Parliaments, Coin, Prohibitions, &c.

XXXX.—Tho. Carte's " Common Place Book."

(14) [See a subsequent page.]

CARTE PAPERS.

Y YYY.—Book of Aids, Grand Serjeanties and Baronies, temp. Edw. I. entered in Sir Thomas Fanshaw's Office in the Exchequer.

ZZZZ.—Tho. Carte's "Common Place Book."

A a.—Papers, historical and antiquarian, &c.

A b.—A short compendium of all Offices and Officers, their duties and proceedings, in the Exchequer.

A c.—Orders of Council and King's Letters, temp. Jac. I. and Car. I. 1614—94.

A d.—Treatise of the Antiquity of the Common Law before the Conquest, by Sir Walter Raleigh (pp. 349, &c.)

A e.— }
A f.— } Miscellaneous Collections.

A g.—Excerpt. e Collectaneis Joh. Anstis: Summons to Parl. de Coronationibus Regum: Interpretatio Verborum in Cart. Antiq.: Revenue of the Crown: Accompts of Wardrobe, &c.

A h.—Catalogue of Treaties: Letters of Ambassadors: Of Rolls and Privy Seals in the Pell Office, &c.

A i.—Stewart Papers.

A k.—Miscellaneous: Extracts from Dugdale, Hickes, and Stukely.

CARTE MSS.—4to.

A.—Letters, 1640—30 Mar. 1660.

B. ——— 30 Mar. 1660—31 Dec. 1663.

C. ——— Jan. 1664—Dec. 1668.

CC. ——— 1 Jan. 1669—Dec. 1680.

D. ——— Jan. 1681—May, 1684.

E. ——— 1684—1687, and Letters of
Lords Clarendon and Anglesey.

These are chiefly Letters of Statesmen, and the whole relate to England; they serve from the restoration of Charles II. to the abdication of James II.

F.—About the Revenue of France.

G. 1. Letters from the 1st Duke of Ormond to Dec. 1682.

2. ——— 1687, to Lord Ossory.

3. ——— Lord Arlington, about the Church and Secretaries.

H.—News from 1662—1685, sent from the Secretary's Office to the Duke of Ormond.

I.—Ireland, temp. Queen Elizabeth.—Lord Fitzwilliam's Papers—1st Letter, 1561.

J.—Letters to the 1st Earl of Sandwich.

K.—Extracts from various books and MSS.

L. Do. Letters from Mr. Anstis, &c.

M.—Private Letters from M. de Targuy, librarian to the King of France, and others, to Thomas Carte, from 23 May, 1728—8 May, 1737.

N. Do. Do. English.

O.—Letters to Lord Wharton: Newspapers from 1660—1670.

P.—Plunket's History of Ireland. 2 vols.

Q.—Letters and Tracts of various kinds after 1677.

R.—Extracts from various authors by T. Carte: Letters, &c.

S.—Letters of Lord Aungier and others, temp. Car. II.

T.———— Lord Shrewsbury, Somers, &c. to Lord Wharton.

U.———— M. d'Aubaix, &c.

V.—Extracts from books by T. Carte (of a private nature).

W.—Abbé de S. Pierre, "Abregé du projet de paix perpétuelle inventé par Hen. IV., approuvé par la reine Eliz. et Jacques I., par les Republiques et divers Potentats de l'Europe."

X.—Letters of the Earl of Middleton from 1693—1695.

Y.—————— 1709—1713.

Z.—News and Letters to Lord Wharton, Extracts, &c.

AA.—Extracts from books, letters, &c.

BB.—M. Wac, Canon de Bayeux: History of the Dukes of Normandy, and the Conquest of England, in French verse.
N.B. The MSS. of M. Duchesne, Bibl. Rég. at Paris and St. James's, collated.

CC.—Extracts from books, letters, &c.

DD. Do. Do.

EE.—Sir Francis Bacon's Maxims of Law, or Essay towards an Amendment of the Law of England, presented to Queen Elizabeth, 8 Jan. 1596.

FF.—Arcani dello stato & governo politico del Principi di Italia, A.D. 1665.

GG.—Relatione della Corte di Germania del Cav. Battanani, Ambassador from Venice to Frederick III. and Leopold.

CARTE PAPERS.

—Alphabetical account of Towns, Nobility, &c. in England, and list of Nobles that adhered to the King, 1646.

JJ.—The steps and process of a cause in the Spiritual Court, by T. C.

KK.—Extracts from books, &c. by T. C.

LL.—Reasons for immersion in Baptism, by T. C.

MM.—Papers about ditto, Dr Willis's objections, and S. C.'s remarks on them.

NN.—Relations of extraordinary events, by S. C.

OO.—Geographical Index, by ditto.

PP.—Question on the Catechism, and Exposition.

QQ.—Letters to S. C.

RR.—Extracts from books, by T. C.

SS.—List of great Officers of State: MS. of Sir William Dugdale.

ADDITIONAL MSS.—Folio.

Besides the above, there are 13 folios, lettered "Ireland, I.—xiii." of Letters and Papers relating to the Government, &c. of that country; 1 vol. of Letters, from 1180—July, 1660, lettered EE; 10 vols. of Letters on Public Affairs, marked FF—PP, from 19 July, 1660, to the Revolution.

RR. { 1. } Royal Letters and Grants of Offices, Pensions,

QQ. { 2. } Lands, &c. from Charles II., June, 1660—16

 { 3. } Aug. 1669.—Curious and valuable.

SS.

TT.

UU.

XX.

YY.

ZZ.

WW.

 { 1. } Sixteen folio volumes of Letters and Papers relating to Ireland, the Church, Revenue, &c. &c., but of such a miscellaneous nature that they cannot be reduced to anything like a regular catalogue within a moderate compass.

*Memoranda relating to the contents of Two Volumes of the
Carte MSS.*

PPP.—This volume is lettered “ Memoires de France et d'Angleterre de 1193 à 1331.” The lettering, however, is not sufficiently correct, as it only refers to the first part, containing 81 Articles, pp. 239. The second part of the volume contains much curious matter, viz.

“ Traitez et autres actes passez entre les Roys de France et d'Ecosse depuis 1219, jusques 1587 : Ensemble les privileges accordez par les Roys de France aux Ecossois depuis 1513, jusques 1599.”—58 Articles from p. 239—406.

The volume is written in different hands: prefixed is “ Table des Traitez, Memoires et autres actes contenuz en ce volume;” it afforded 13 Articles in the reign of Edward I. for the new edition of the Fœdera, most of them of importance. If it were worth while to enter upon the discussion, it would be no difficult matter to prove that this very volume was transcribed for Mons. Dumont, editor of the *Corps Diplomatique*, was formerly in his possession, and that he made great use of it in the compilation of that work.

PPPP.—This volume is written in different hands, is not lettered, neither is there any index. It commences, by way of general title, thus:

“ Meslanges contenans plusieurs Lettres, Tiltres, Actes et autres Memoires concernans les affaires entre les Roys de France et les Roys d'Angleterre depuis l'an 1190, jusques l'an 1625.”

These Papers have been bound up in chronological order; they abound in historical information and curious matters, as instructions from the Kings of France to their Ambassadors, Letters of Ambassadors in reply, &c.

“ Informations faictes contre le Milord Walter Raleigh, 9^e Sept. 1618.”

“ Lettre du Roy d'Angleterre au Roy de France sur la trahison de Walter Raleigh.”

Several confidential Letters between the Kings of England and France.

“ Extraits des Despeches de M. de la Mothe Fenelon, Che-

valier de l'ordre du Roy et son Ambassadeur en Angleterre, A.D. 1568."

Dispatch I. commences 16 Nov. 1568.—“ L'amb^r. passe de Calais, Nov. 7, et fut reçeu à Londres.”

Dispatch VIII.—“ Cecil et Leicester sont bien unis ensemble : le premier dissuadoit la guerre de France à sa Maitresse—les affaires de la Reine d'Ecosse sont beaucoup plus mal sans le support du D. de Norfolk et du C. d'Arundel.”

These Dispatches extend through 40 pages, written very close, and in an uncommonly small hand ; they end with Dispatch 469, on 20 Sept. 1578. A vast deal of this part is occupied with a relation of the active exertions of the French Court to serve the Queen of Scots.

“ Relation de ce qui fut negocié en l'an 1525, avec Hen. VIII. et le Card. de Yorck, par G. de Grandmont, Eveque de Tarbe, Vicomte de Turenne, &c. touchant le mariage de la fille de Hen. VIII. avec Francis I. et pour un alliance contre l'Empereur Charles V.”—pp. 46, containing many State Papers and Acts.

There is a note inserted that this part was transcribed by Claude Dodieu, Con^r. du Parl. de Paris.

[The Catalogue of the Carte MSS. has, since the above paper was written, been transcribed by the direction of the Record Commissioners. It forms three thick folio volumes.]

Monastic Records.—[A large mass of these Records was transcribed by order of the Commissioners, with a view to publication. The subjoined papers will acquaint the reader with the nature of the contemplated work.]

[*From Manuscript Collections.*]

Monastic Records.—*Extents and Inquisitions of the Lordships, Manors, Churches, Portions of Tithes, &c.*—
1. *Of the Knights Templars in England and Ireland in the time of Edw. II.;* 2. *Of Abbies and Prioresses Alien in the times of Edw. I. II. III., Ric. II., Hen.*

IV. V.; 3. Of Abbies and Priories of Royal Foundation; 4. Of Archbishops and Bishops (during vacancy) in the times of Edw. I. II. III., Ric. II., Hen. IV. V. VI.,

Edw. IV., Hen. VII.—Also, Ancient Regal Charters and Papal Bulls concerning Abbies and Priories, in the custody of his Majesty's Remembrancer in the Court of Exchequer.

The possessions of all the Monasteries, Priories, and Religious Houses throughout England were, when seized and taken into the hands of the Crown from any cause, immediately placed under the Survey of the Court of Exchequer, till the final dissolution of Religious Houses, and the erection of the Court of Augmentations in the 27 Hen. VIII. After the seizure of the possessions, Manors, Lands and Tithes of the Knights Templars, in the 1 Edw. II.—of the Alien Priories and Abbies, in the reigns of Edw. I. II. III., Ric. II.—and also of the Temporalities of Abbies and Priories of Royal Foundation—and of Archbishops and Bishops during vacation; Inquisitions, Extents and Accounts upon oath of every description of Property, which had been really possessed and enjoyed by them, were made and returned into the Exchequer, and have there remained, without having been brought forward as evidence in any of the Courts, till a very recent period. The Inquisitions *Post Mortem*, which furnish evidence so material to one party, or the other, in many disputes, which are annually agitated, do not comprise any part of the immense Property, the subject of these Records. The three volumes of the *Monasticon Anglicanum* (by Dugdale and Dodsworth) do not contain any of the Records here proposed for publication; and it may not be improper to remark, that, although there may be information for the antiquary in the *Monasticon*, there is not always evidence for a Court. If, therefore, Charters, which are published in the *Monasticon*, were

MONASTIC RECORDS.

scribed from Monastic Muniments, and are not to be found among the Enrolments in Chancery, it is apprehended it will be of service again to publish them in the work now proposed. The frequent Claims of Privileges and Exemptions made by the Religious in the Exchequer, occasioned their ancient Charters very often to be transcribed, and examined by the Barons, and deposited there, and at other times they were enrolled.

The Records herein mentioned are not published, or referred to, in Leland's *Collectanea*, the *Monasticon Anglicanum*, the *Monasticon* by Tanner, Browne Willis, or any books which treat of Monastical Antiquities; and they convey information, it is thought, more interesting than any of the Documents and Muniments published and referred to in any of the books above mentioned, as they differ from them in this respect in particular, that in the *Monasticon Anglicanum*, &c. it appears that a Manor and Tithes were given to, or possessed by, an Abbey:—in these Records it will appear of what the Manor consisted, viz.—the buildings, the demesnes, the park and demesne woods, foreign pasture and woods, pawnage, herbage, mills, fishings, freeholders, customary tenants, cottages and curtilages, perquisites of courts, liberties, customs and services, and if of portions of tithes, it will appear what tithes and when they arose. It is proposed that the collection be made from the arranged Records, the Memoranda, and the unarranged Records in the Exchequer, both very bulky and numerous, beginning in the reign of Hen. III. and ending in the 27 Hen. VIII.

[This paper was framed in 1807, and early in the next year the following collections had been made in aid of the proposed publication :]

A Valuation and Taxation of all the Possessions, spiritual and temporal, belonging to Monasteries, Priories,

Rectories, Vicarages, and other Ecclesiastical Benefices, throughout Ireland, in the 20 Edw. I. 1292. (15)

Extents and Inquisitions, containing an Account of the Manors, Churches and Tithes belonging to the Knights Templars in Ireland, and also an Inventory and Valuation of the Stock, Crop, Furniture, Implements of Husbandry, Books, and other articles found in and upon their Manors, Granges, Houses, and Chapels, in the 1 Edw. II. (16)

An Account of the Vills, Manors, Hamlets, and places belonging to the Knights Templars in England in the 1 Edw. II., and which were afterwards given to the Knights of St. John of Jerusalem in the 17 Edw. II., in thirty-three Counties.

An Account of the Manors, which had formerly been appropriated to the Knights of St. John of Jerusalem, in the same Counties.

Extents and Inquisitions of the Manors, Lands, Churches, Tithes, Portions of Tithes, and Pensions belonging to Alien Priories, and made and taken before Commissioners upon the Oath of a Jury, in the reigns of Edw. I., Edw. II., and Ric. II., in thirty Counties. (17)

[The Prospectus contains the names of the Alien and

(15) [It was suggested that it would be proper to add, as explanatory, and as a preface to the Ecclesiastical Taxation and Valuation of Ireland, a Bull of Pope Nicholas IV., dated in the third year of his pontificate, 1290, entitled "Bulla Nicholai Papae quarti per quam ordinavit quater Decima concessa Regi colligi debeat, et a quibus, et per quas personas." It was alleged this Bull would give some assistance to the Courts and to parties, who might have occasion to produce in evidence the Ecclesiastical Valuation, already printed, of England and Wales. See ante, Part I. pp. 285, 352.]

(16) [It appears that all the Irish Records above mentioned are not Originals, but that the same were transcribed in Ireland very soon after the date of the Originals, and were delivered to the Treasurer and Barons of the Exchequer in England, in the reign of Edward II.]

(17) [On the subject of the Alien Records, consult (*Nichols*) *Some Account of the Alien Priories and of such Lands as they are known to have possessed in England and Wales*, 2 vols. 12mo.]

Superior Abbies, and also the names of the Priories and Cells in England.]

[Subsequently an Account was prepared, by order of the Record Commissioners, of the Surveys, and Extents of the Spiritualities and Temporalities of Alien Priories, in the reigns of Edw. I., Edw. II., and Ric. II., with the names of places in which they possessed property, and a description of such property.]

Several Surveys and Extents of the Manors of Bishops, made upon vacancies, and of Abbies and Priories of Royal Foundation, in the reign of Edw. III. The Extents contain a very minute and particular Survey and Description of all that belonged and was appurtenant to the several Manors, viz.—the buildings, the demesnes, the foreign pasture, the parks and demesne woods, foreign woods, pawnage, herbage, mills, fishings, freeholders, customary tenants, cottages and curtilages, perquisites of courts, liberties, customs, and services: and in most instances the live and dead stock, implements of husbandry, and the then mode of cultivation, were also found and returned.

These Extents of Manors, containing such abundant information and evidence of the most useful description, may be printed so as to form an admirable commentary upon and elucidation of the Surveys of Manors in Domesday.

[The whole of the transcripts made for this work have been deposited in the British Museum: they fill three folio volumes. There is at the Museum an Index to their contents, and a copy of that Index is in the possession of the Commissioners. (18)]

(18) [The projector of the above-mentioned work, in the month of June, 1808, printed a single sheet, as a specimen, under the title *Monasticon Anglicanum*, which he sent to the late Lord Colchester, then Speaker of the House of Commons, accompanied by the following explanation. "It contains, from Domes-

[Miscellaneous Transcripts.]

*[Decrees and Orders of the Court of Exchequer, 3 vols.
Vol. I. 1 to 30 Eliz.; Vol. II. 30 to 40 Eliz.; Vol. III.
39 to 44 Eliz. to 3 James I.]*

day, a Survey of the Manor of Wells, in Somersetshire, then belonging to the Bishop of Bath and Wells, and also an Extent and Survey of the same Manor in the 37th year of King Edward the Third, and made when the See of Bath and Wells was vacant by the death of the late Bishop Ralph. A Survey from Domesday of the Manor of Ely, then belonging to the Bishop of Ely, and also an Extent and Survey of the same Manor in the 31 of Edw. III., upon the attainder of Thomas, the late Bishop. A Survey from Domesday of the Manor of Loders, in Dorsetshire, then belonging to the King, and an Extent and Survey of the same Manor, when it belonged to the Alien Priory of Montburgh; but had been seized into the hands of the King upon the commencement of a war with France, 18 Edw. II. A Survey from Domesday of the Manor of Abbotsbury, to be followed by an Extent and Survey of the same Manor in the reign of Edw. III., upon the death of an Abbot, the Abbey having been founded by one of the King's royal progenitors.”]

[The work thus projected, notwithstanding the sameness of title, was not the New Edition of the *Monasticon Anglicanum*. The two schemes, however, are not so unconnected as to make the following extract from that expensive publication irrelevant or uninteresting :

“ A New Edition of Dugdale seemed wanting, which, by comprising all that was valuable in Stevens's work,* and embracing an accession of materials from Leiger Books, Rolls, and other documents brought to light since Dugdale's time, might form a Complete History of all our Monastic Foundations: such an one as would not be likely at any time hereafter to be superseded. It was determined too that an Account of each Religious House, in English, should be prefixed to its respective series of Latin Charters; and the whole, by unsparing research, rendered equally useful to the General Reader, the Antiquary, and the Lawyer.

“ The work so projected has here arrived at its completion. A period of eighteen years intervened between the publication of the first and last volumes of Dugdale's edition. The new one, with all its additions, has been completed in one year less.

“ Hundreds of Religious Houses, which Dugdale knew nothing of, have been introduced into the present work, together with those of the different Orders of

* [Stevens published a Supplement to Dugdale under the title of *The History of the ancient Abbeys, Monasteries, Hospitals, Cathedral and Collegiate Churches, being Two Additional Volumes to Sir William Dugdale's Monasticon Anglicanum*.]

[*Index to Decrees in the Court of Exchequer*, 1 vol. 1 to S1 Eliz.; James I.; Charles I.; Oliver Cromwell; Richard Cromwell; Charles II.]

[*Index to Records, &c. at the Chapter House*.—Three copies of this Index were made;—one is deposited at the Tower; another at the Museum; and a third is preserved at the Chapter House.]

Expeditionis Billarum Antiquitas.—[A treatise, entitled *Expeditionis Billarum Antiquitas*, in the Bodleian Library, Oxford.

A similar treatise, described as containing valuable observations on the Statutes by Mr. Madox, the Exchequer historian,—in the British Museum

In 1806 the late Mr. Hargrave was instructed by the commissioners to examine a MS. treatise in the British Museum (No. 4489, *Ayscough's Catalogue*,) entitled

Fines; and Accounts, as far as they could be obtained, of very numerous Destroyed Monasteries. Such Cathedrals also have been added of which Dugdale gives no description: but the Cathedral of St. Paul, London, it has been thought desirable to exclude; its History and Charters, greatly enlarged and richly embellished, had been separately published in a style of uniformity with the *Monasticon*, by one of the Editors of that work; so that to have reprinted them here, when nearly the whole of the same persons were subscribing for both works, would have been materially enhancing the extent and cost of the *Monasticon*, without increasing its value to the Subscribers.”—*Monasticon Anglicanum: a History of the Abbeys and other Monasteries, Hospitals, Friaries, and Cathedral and Collegiate Churches, with their Dependencies, in England and Wales; also of all such Scotch, Irish and French Monasteries as were in any manner connected with Religious Houses in England*. together with a particular Account of their respective Foundations, Grants and Donations, and a full Statement of their Possessions, as well Temporal as Spiritual. Originally Published in Latin by Sir William Dugdale, Knt., Garter Principal King at Arms. A New Edition, enriched with a large accession of Materials, now first printed, from Leiger Books, Charters, Rolls, and other documents preserved in the National Archives, Public Libraries, and other Repositories; the History of each Religious Foundation in English being prefixed to its respective ~~copy~~ of Latin Charters.—Preface, pp. iii. iv.]

Expeditionis Billarum Antiquitas; generally attributed to Mr. Madox, and to report his opinion upon the work and its probable author. It does not appear that Mr. Hargrave ever made any report. The transcript forms a small folio volume. (19)]

Materials for the History of Britain.—[The following is a List of the principal Transcripts made for the collection of Materials for our ancient History, exclusive of such as are connected with the volumes now in the press.]

[*From Manuscript Collection.*]

- De Passione SS. Ethelredi atque Ethelberti.—*MS. Bodl.* 285.
Gocelinus, de Vita S. Edithæ.—*MS. Bodl. Rawlinson*, 1027.
Vita S. Dubricii Archiepiscopi.—*MS. Cott. Vesp. A. xiv.*
Vita S. Cadoci, qui et Sophie, Episcopi.—*MS. Cott. Vesp. A. xiv.*
Vita S. Gundlei Regis.—*MS. Cott. Vesp. A. xiv.*
Vita S. Paterni Episcopi.—*MS. Cott. Vesp. A. xiv.*
Vita S. Kebii Episcopi.—*MS. Cott. Vesp. A. xiv.*
Vita S. Tathei.—*MS. Cott. Vesp. A. xiv.*
Ricemarcus, de Vita S. David Episcopi.—*MS. Cott. Vesp. A. xiv.*
De S. Justo, Archiepiscopo Cantuariæ.—*MS. Cott. Vesp. B. xx.*
De Adventu B. Melliti, Archiepiscopi Cant.—*MS. Cott. Vesp. B. xx.*
De Adventu B. Theodori Archiepiscopi.—*MS. Cott. Vesp. B. xx.*
Vita S. Iltuti Abbatis.—*MS. Cott. Vesp. A. xiv.*
Vita S. Wulsin, Episcopi Scireburnensis.—*MS. Lansd.* 436.
Osbertus, de Vita S. Edwardi Confessoris.—*MS. C.C.C. Cant.* 161.
Excerpta ex Eadmero de Miraculis B. Dunstani.—*MS. C. C. C. Cant.* 371.
Vitæ SS. Elfledæ et Merewinnæ.—*MS. Lansd.* 436.
Vita S. Edburgæ Virginis.—*MS. Lansd.* 436.
Vita S. Birnstani, Episcopi Wintoniensis.—*MS. Lansd.* 436.
Vita S. Osgithæ Martiris.—*MS. Bodl.* 285.
Vita Ceolfridi Abbatis.—*MS. Harl.* 3020.

(19) [The Manuscripts mentioned in the text are not the only copies of this treatise. See *ante*, Part I. p. 160.]

366 TRANSCRIPTS.—HISTORY OF BRITAIN.

- Sulcardus de Prima Constructione Ecclesie Westmonasterii.—
MS. Cott. Faust. A. iii.
- Vita S. Eotæ, Hagustaldensis Episcopi.—*MS. Eccl. Ebor. xvi.*
I. 2. 2.
- De Martyrio S. Wistani.—*MS. Harl. 2253.*
- Heremannus de Miraculis S. Edmundi.—*MS. Cott. Tib. B. ii.*
- De S. Cuthburga, Virgine et Regina.—*MS. Lansd. 436.*
- Vita S. Mildrithæ.—*MS. Cott. Vesp. B. xx.*
- De Translatione B. Mildrithæ.—*MS. Cott. Vesp. B. xx.*
- Libellus contra inanea S. Mildrithæ Usurpatores.—*MS. Cott. Vesp. B. xx.*
- Vita B. Birini, Anglorum Apostoli.—*MS. Cott. Claud. A. viii.*
- De S. Honorio, Archiepiscopo Cant.—*MS. Cott. Vesp. B. xx.*
- De S. Deusdedit, Archiepiscopo Cant.—*MS. Cott. Vesp. B. xx.*
- De S. Birino Episcopo.—*MS. Bodl. Digby, 39.*
- De Adventu et Miraculis B. Adriani Abbatia.—*MS. Cott. Vesp. B. xx.*
- Relatio de S. Laurentio Archiepiscopo.—*MS. Cott. Vesp. B. xx.*
- Legenda de S. Elfrido Presbitero.—*MS. Harl. 2253.*
- Vita S. Elphegi, Winton. Episcopi.—*MS. Lansd. 436.*
- Excerpta e Vita S. Aidi.—*MS. Cott. Vesp. A. xiv.*
- Vita S. Bernachi Confessoris.—*MS. Cott. Vesp. B. xiv.*
- Excerpta ex Eadmero de Vita Dunstani.—*MS. C. C. C. Cant. 371.*
- Gocelinus de Origine et Miraculis S. Yvonia.—*MS. Bodl. 285.*
- De Martirio et Miraculis S. Oswini, Regis Deirorum.—*MS. Cott. Jul. A. x.*
- Vita S. Egwini, Wigorn. Episcopi.—*MS. Bodl. Digby, 112.*
- Miracula S. Ithamari, Episcopi Roffens.—*MS. C.C.C. Cant. 161.*
- Vita B. Wihtburgæ Virginis.—*MS. Trin. Coll. Cant. Gall. O. 2.*
- Miracula S. Erkenwoldi, London. Episcopi.—*MS. C.C.C. Cant. 161.*
- Passio S. Edwardi, Regis et Martiris.—*MS. D. Joh. Bapt. Oxon. 96.*
- Abbo de Passione S. Edmundi, Regis Orientalium Anglorum.—
MS. D. Joh. Bapt. Oxon. 199.
- Vita S. Swithuni, Winton. Episcopi.—*MS. Norf. Arundel, 169.*

- Excerpta e Vita Eadwardi, Regis et Confessoris. Authore Ailredo Rievallensi.—*MS. Coll. Caius. Cant. 153.*
- Eadmerus de Reliquiis S. Oudoeni.—*MS. C. C. C. Cant. 371.*
- Miracula S. Swithuni, Episcopi Winton.—*MS. Norf. Arund. 169.*
- Eadmerus de Miraculis B. Oswaldi, Eborac. Archiepiscopi.—*MS. D. Joh. Bapt. Oxon. 96.*
- Excerptum e Chronico de Lanercost. (An. 1201—1347.) *MS. Cott. Claud. D. vii.*
- Croniculum Galfride, le Baker de Swynbroke, An. 1313—1356.
MS. Bodl. 1761.
- De Inventione S. Crucis in Monte Acuto, et Dedicatione ejusdem apud Waltham.—*MS. Cott. Jul. D. vi.*
- Vita Venerabilis Haroldi, quondam Anglorum Regis.—*MS. Harl. 3776.*
- Liber de Hida.—*MS. Lansd. 717.*
- Commendatio Britanniæ—Radulfi de Diceto.—*MS. Cott. Claud. E. iii.*
- Vita S. Brendani.—*MS. Bodl. Laud. 410.*
- Les Sufferances de Guil. de Langespee.—*MS. Cott. Jul. A. v.*
- Chronicon ab exordio Mundi adusque An. 1350. Authore Galfrido le Baker.—*MS. Bodl. 761.*
- Liber de Fundatione, &c. Monast. S. Petri Gloucestrizæ, ad An 1381.—*MS. Coll. Regin. Oxon. O. 6.*
- Vita S. Thomæ Cantuariensis, Auctore Magistro Eadwardo.—*MS. Norf. Arundel, 27.*
- Excerptum e Polycratica Temporum Rogerii Cestrensis. (A. 1307—27.) *MS. Harl. 655.*
- Excerptum e Libro de Gestis Britonum. (A. 1199—1298.)—*MS. Cott. Cleop. A. i.*
- Vita S. Hugonis, Lincoln. Episcopi.—*MS. Bodl. Laud. 515.*
- Excerpta e Vita Wolstani, Wigorn. Episcopi.—*MS. Cott. Claud. A. v.*
- Hugo Cantor. de Controversia sup. primatum int. Archiepiscopos Ebor. et Cant.—*MS. Trin. Coll. Cant. Gall. O. 10. 25.*
- Chronicon, sive Registrum, Abbendeniæ.—*MS. Cott. Claud. B. vi.*
- Chronicon Abbendeniæ.—*MS. Cott. Claud. C. ix.*
- Chronicon ab An. 1065. ad A. 1286.—*MS. Bodl. Rawlinson, B. 150-1.*

TRANSCRIPTS.—HISTORY OF BRITAIN.

- Epist. Gilleberti Folliott, Episcopi London.—*MS. Bodl. Mus.*, 249.
- Roberti Redmanni Vita Henrici V. Regis.—*MS. Trin. Coll. Cant. Gall.* O. 1. 15.
- Excerpta e Miraculis S. Thomae, Cant. Archiepiscopi.—*MS. Trin. Coll. Cant.* B. 14. 37.
- Annales ab A. 1299 ad An. 1367.—*MS. Cott. Cleop.* A. xvi.
- Vitæ Abbatum Monast. S. Augustini, Cant. ab A. 607 ad A. 1250.—*MS. Cott. Tib.* A. ix.
- Annales Abbatiae de Bermundeseie, ab 1042 ad A. 1433.—*MS. Harl.* 231.
- Vita B. Edmundi, Archiepiscopi Cantuariensis.—*MS. Cott. Jul.* D. vi.
- Annales de Monasterii de Theokbury, ab A. 1066, ad An. 1263.—*MS. Cott. Cleop.* A. vii.
- Bartholomæi de Cotton Historia. (ab An. 1259 ad 1294.)—*MS. Cott. Nero.* C. v.
- Vita S. Roberti Abbatis Novi Monasterii.—*MS. Lansd.* 436.
- Speculum Edwardi III. per Simonem Islep, Archiepisc. Cant.—*MS. Cott. Cleop.* D. ix.
- De Obaidione Castri de Bedeford.—*MS. Cott. Tit.* D. xix.
- Excerpta e libro Johannis Capgravii de Henrico.—*MS. Cott. Tib.* A. viii.
- Liber Chronicarum, editus ad instantiam Joh. Abbatis S. Albani.—*MS. Cott. Claud.* D. vi. 5.
- Chronica Fratris Willielmi de Rishanger.—*MS. Cott. Claud.* D. vi. 4.
- Continuatio Chronicarum Radulfi de Diceto ab A. 1199 ad A. 1272.—*MS. Cott. Claud.* E. iii.
- Quædam de Gestis RR. Edwardi II. et III.—*MS. Cott. Cleop.* A. i.
- Excerpta e Philippo Priore de Miraculis S. Frideswide.—*MS. Bodl. Digby*, 177.
- Chronicon Petroburgense, ab A. 1122 ad A. 1293.—*MS. Soc. Antiq.* 60.
- Ricardus Maydeston de Concordia int. Regem Ric. II. et Cives London. A. 1293 facta.—*MS. Bod. Mus.* 94.

De Regibus Angliæ ab A. 1327 ad A. 1419.

De Episcopis Wintoniæ ab A. 1345 ad A. 1420.—*Bodl. Rotul. Rawlinson.*

De Gestis Anglor. Regum, &c. ab An. 1274 ad An. 1367.—*MS. Bodl. 101-6.*

Chronica Angliæ ab A. 1307 ad A. 1321.—*MS. Bodl. 101-5.*

Chronicon Angliæ ab A. 1378 ad 1441.—*MS. Sloane, 1776.*

Historia Fundationis Abbatiae de Bello.—*MS. Cott. Domit. II.*

Vita S. Hugonis, Lincoln. Episc.—*MS. Bodl. Digby, 165.*

Excerpta e Chron. Monasterii S. Augustini, ad An. 806.—*MS. Harl. 686.*

De Sancto Johanne de Bridlington Confessore. De S. Bartelino Heremita. De S. Cumgaro Heremita. De S. Decumano Heremita. De S. Walstano Confessore. De S. Willelmo Martyre.—*E Johanne Capgravio.*

De Servo Dei Ailredo Abbatii. De Servo Dei Henrico Heremita. De SS. Kyneswide, Kineburg & Tibba. De S. Cadoc Heremita. De Servo Dei Roberto Abbatii. De S. Willelmo Episcopo. De S. Grimaldo Abbate. De S. Juthwara Virg. & Mart. De S. Thoma Monacho. De S. Kynedo Confessore. De S. Edburga Virg. & Abbissa. De S. Justiniano Martire. De S. Benigno Episc. De S. Keyna Virgine. De S. Ywio Confessore. De S. Meloro Martyre. De S. Ulfhilde Virgine. De S. Eanswitha Virgine.—*E Johanne Tinemuthensi, MS. Cott. Tiber. E. I.*

Epistolæ XI.—*MS. Cott. Tib. A. xv.*

Liber, sive Historia, Ecclesiæ Llandavensis.—*MS. Vaughan Hengwrt.*

Vita Guidonis, Mertonensis Canonici.—*MS. Bib. Reg. 8 E. ix.*

A Chronicle of Scotland in verse (*excerpt:*).—*MS. Bib. Pub. Cant. K. R. II. 16.*

Versus in laudem Regis Hen. V.—*MS. Cott. Cleop. B. I.*

Chartæ Ecclesiæ S. Augustini Cantuariæ. (Will. I. Ric. I.)—*MS. Cott. Claud. D. xi.*

Chartæ Ecclesiæ S. Benedicti de Hulmo. (Hen. I.—Ric. I.)—*MS. Cott. Galba, E. II.*

Liber Ramesiensis. (Wil. I. Ric. I.)—*MS. Bodl. Rawlinson, B. 333.*

Herebertus de Bosham de Vita S. Thomas, Archiepiscopi Cantuariensis. (Lib. i. ii. & iii.)—*MS. Bodl. Rawlinson, A. 10. 1.*

Liber Chartarum Domus de Certeseye.—*MS. Cott. Vitell. A. xii.*

Chartæ Ecclesiae S. Petri Westmonasterii. (Will. I.—Ric. I.)—

MS. Niger Quatern. Westmon.

Registrum Cartarum Malmesburiensis Coenobii.—*MS. Bodl. Wood, v.*

Chartæ Ecclesiae S. Pauli Lond. (Will. I.—Ric. I.)—*MS. Doe & Cap. S. Pauli.*

[A considerable number of Charters of the 7th, 8th, 9th, 10th, 11th, and 12th centuries, has also been transcribed for the Materials for the History of Britain.]

The Fædera.—[A large part of the transcripts made for this work has been put into boards; the remainder is arranged in packets. The collection has been chiefly drawn from the stores of the State Paper Office; as the ensuing account will show.]

[*Transcripts of Miscellaneous Documents.*]

[Fourteen volumes, all from the State Paper Office.—It may, for many reasons, be useful to give a description of the first and last documents in each of these volumes.

VOL. 1.—Henry VIII., Edward VI., Mary, Elizabeth.

A letter from the deputies of the Hanse Towns, assembled at Lubec, to King Henry VIII., complaining of the privileges of the citizens of the Hanse Towns being infringed upon, and requesting the protection of the King in securing their privileges. Without date.

A letter from Maurice, Landgrave of Hesse Cassell, to Sir Robert Cecil, requesting him to procure a pass for 2 or 300 bows, which he had bought, to be transported to him. Dated at Cassell, Dec. 25, 1602.

VOL. 2.—James I.

A letter from Anna Catherine, Queen of Denmark, to James

I. King of England, congratulating him on his succession to the throne of England, and acknowledging his attention in sending the Earl of Rutland as his substitute in being one of the sponsors at the baptism of her little son. Dated at Copenhagen, July 13, 1603.

Explanation of the second and eleventh articles of the treaty of Defensive Alliance between Great Britain and the States General, concluded June 5, 1624. Dated at London, June 15, 1624.

VOL. 3.—Charles I., Cromwell,—12 to 13 Charles II.

A letter from Charles I. King of Great Britain, to Christian IV. King of Denmark, in answer to his concerning the prosecuting of the war against Austria and Spain. Dated March 2, 1625.

A proclamation for restraining the payment of the money, lately called in to his Majesty's use, any longer than until the 1st of March next. Dated at Whitehall, January 23, 1661.

VOL. 4.—14 to 18 Charles II.

Charter constituting a company by the name of "the Company for the Propagation of the Gospel in New England and the parts adjacent in America." Dated at Westminster, 7th February, 1662.

Letter from John George II. Elector of Saxony, to King Charles II. Dated at Dresden, 8th January, 1667.

VOL. 5.—19 to 25 Charles II.

Letter from Philip William, Count Palatine, Duke of Newburgh, to Mr. Stanford, complaining of a letter having been sent him directed *Illustrissimo* instead of *Serenissimo*, and requesting that another letter might be written and the mistake rectified, Dated at Dusseldooff, 1st March, 1667.

An instrument releasing Thomas, Viscount Latimer, from the impress levied against him for deficiency of money on making up accounts as Treasurer of the Royal Navy. Dated at Westminster, 2d January, 1674.

VOL. 6.—26 to 37 Charles II.

A letter from Dr. Richard Wiseman to Sir Joseph Williamson,

Secretary of State, concerning an acquittance demanded by the city of Hamburgh. Dated at Doctors' Commons, January 15, 1674.

An instrument appointing Henry, Duke of Grafton, to the office of Clerk of the Treasury of the Court of Common Pleas. Dated at Westminster, 2d February, 1685.

VOL. 7.—James II.

A Proclamation declaring his Majesty's pleasure touching his Royal Coronation and the solemnity thereof. Dated at White-hall, 6th March, 1685.

An examination intended to prove the child lately born to the Queen to be her own. Dated at Westminster, 8th Dec. 1688.

VOL. 8.—1 to 7 William III.

Copy of the King of Sweden's guarantee to the House of Lunenburg to preserve the right of primogeniture. Dated at Stockholm, 12th February, 1689.

Rules and conditions of the Land Bank Funds, &c. Dated 4th October, 1695.

VOL. 9.—8 to 14 William III.

Full power from the King of Denmark to Counts de Plessen and de Lente to negotiate with the Plenipotentiaries of Great Britain and of the States General. Dated at Copenhagen, 11th April, 1696.

An instrument appointing Sir Thomas Hanmer, Bart. to the office of King's Game-keeper in the six counties of North Wales. Dated at Westminster, 28th February, 1702.

VOL. 10.—1 to 5 Anne.

A Proclamation for putting in force an Act of Parliament entitled "An Act for laying Duties upon Malt, Mum, Cyder and Perry." Dated at St. James's, 8th March, 1702.

An instrument appointing Baldwin Leighton to the office of Keeper of the Fleet Prison, &c. &c. Dated at Westminster, 7th March, 1707.

VOL. 11.—6 to 11 Anne.

An instrument appointing Sydney Godolphin to the office of Auditor of the Court of Exchequer, &c. Dated at Westminster, 11th March, 1707.

Ratification of the Separate Article of the Treaty between Great Britain and the States-General, relative to the Succession and Barrier, concluded at Utrecht, ~~18~~ January, 1713. Dated at the Hague, 17th February, 1713.

VOL. 12.—12 to 13 Anne.

Convention between Great Britain and the Duke of Savoy, relative to the trade between Great Britain and Sicily, concluded at Utrecht, ~~26th February,~~ ^{8th March,} 1713.

An instrument appointing Nehemiah Arnold and others Commissioners of a Lottery for raising the sum of one million four hundred thousand pounds. Dated at Westminster, 31st July, 1714.

VOL. 13.—1 to 3 George I.

A Proclamation by the Lords Spiritual and Temporal, proclaiming Prince George, Elector of Brunswick Lunenburgh, King of Great Britain, France, and Ireland. Dated at St. James's, 1st August, 1714.

An instrument appointing Sir Grey Nevil, Bart. and others to be Commissioners to take and examine the state of, and determine, the debts due to the army. Dated at Westminster, 27th July, 1717.

VOL. 14.—4 to 8 George I.

An instrument appointing Thomas Spence, Esq. to the office of Serjeant-at-Arms in ordinary, in order to attend upon the royal person when there is no Parliament, and to attend upon the Speaker of the House of Commons when there is a Parliament, with the fee of three shillings a day and two shillings and sixpence a day board wages. Dated at Westminster, 7th October, 1717.

An instrument granting permission to William Wood, of Wolverhampton, in the county of Stafford, Esq. to coin small coin for the kingdom of Ireland for the term of fourteen years. Dated at Westminster, 12th July, 1723.]

[There are four volumes called *Supplementary*, and which appear to have formed part of a Supplement to the foregoing Collection. They are numbered Vols. 3, 4, 5, 6.

Vol. III. contains Royal Letters and some Treaties

from 1601 to 1718, the period of the Commonwealth excepted. All from the State Paper Office. The first and last documents in the volume are entitled as follows—

A Letter from Enno, Count of East Friesland, to James I. King of Great Britain, thanking him for his assistance in preserving his dominions in peace, also speaking much in favour of, and recommending to his notice, Ralph Winwood, his Ambassador, for the singular abilities he displayed in settling the disturbances of the province, as well as requesting him to use his authority at the assembly of the States that there shall not be any violence committed by them against him or his subjects, and that the inhabitants of Embden shall be ordered to abstain from similar violences. Dated at Aurich, September 21, 1601.

A Letter from Leopold, Duke of Lorraine, to George I. King of Great Britain, asking his Majesty's good offices to procure him the indemnification for the Duchy of Montferrat, promised by the treaty of the 8th of November, 1703, with the Emperor of Germany and the Duke of Savoy, and confirmed by two guarantees of the late Queen, copies of which were enclosed with the present letter. Dated at Luneville, 27 May, 1718.

Vol. IV., pages 1 to 163.—A Collection of Treaties and other Public Documents. There are two in the reign of Richard II. two in that of Edward IV. and three in the reign of Henry VII. The remainder belong to the reign of Henry VIII. All are from the Chapter House. The following are the titles of the first and last documents in the first part:—

The Treaty of Marriage between Thomas, son and heir of Thomas Mowbray, Earl Marshal of England, and Custance, daughter of the Earl of Huntingdon. Dated, London, 27th June, 1392.

A Commission from Charles V. Emperor of Germany, &c. appointing certain persons as his Commissioners to treat for a Treaty of Merchandise in Wool with the Commissioners of Edward VI. King of England. Dated at Augsburgh, 31st Jan. 1547. This instrument is under the Great Seal of the Emperor

Charles impressed in red wax, and suspended by a double parchment slip.

The remainder of the volume consists of Royal Letters from 1569 to 1639. All of them are from the State Paper Office. The first and last are as follows—

Translation of a Letter from Mahomed Abmuleiza, Emperor of Morocco, to Don John of Austria, complaining of the treatment he met with in Grenada, and also requesting the release of his parents and brother, who are prisoners, and he will release an equal number of knights, or others of rank that may be required, but if this is not granted, begs that they may be well used befitting their rank, in default of which he most solemnly swears that he will order the destruction of 400 men and women which he has prisoners, and a farther destruction of those who may hereafter become prisoners, &c. &c. &c. Dated at Ferrara, 28th July, 1569.

A letter from the States General of the United Provinces to Charles I. King of Great Britain, representing that the Scotch regiments in their service are become very weak in consequence of the death of a number of the men, with other causes, and that they have given directions to the superior officers to send the serjeants into Scotland to procure recruits, and begging that his Majesty will give such orders to the officers of his fleet as will secure their transport across without impediment. Dated at the Hague, 13th May, 1639.

Vol. V.—This volume comprises Royal Letters, Pardons, Appointments, Commissions, &c. from 1660 to 1726. Part are from the State Paper Office, and part appear to come from other repositories.

Letter from Amelia, Princess Dowager of Orange, to Charles II. King of Great Britain, excusing herself for not having before this waited upon him on account of sickness, also congratulating him on his favourable reception, and hoping he will long enjoy the throne, and begs him to give a favourable audience to the Sieur La Mier, the person who is the bearer. Dated at the Hague, 26th January, 1660.

An instrument appointing John Anstis and son to the office

of Garter King of Arms, &c. &c. Dated at Westminster, 9th June, 1726.

VOL. VI. (20) contains various Transcripts from the Patent and Clause Rolls in the Rolls Chapel, viz.

- 1 to 19—Henry VII.
- 1 to 37—Henry VIII.
- 1 to 7—Edward VI.
- 1 to 5—Mary.
- 1 to 43—Elizabeth.
- 1 to 8—James I. (21)]

[*Transcripts of Royal Letters.*]

[These Transcripts are very voluminous. The whole have been made at the State Paper Office. The titles of the first and last letters in the different volumes, or packets, are given.

Royal Letters, Scotland, 1513—1565.

Copy of Letter from James IV. King of Scotland to King Henry VIII. Dated at Edinburgh, July 16, 1513.

Letter from Queen Elizabeth to Mary, Queen of Scots. dated at Greenwich, February 24, 1565-6.

Royal Letters, Scotland, 1562—1568.

Copy of Letter from Queen Elizabeth to Mary, Queen of Scotland. Dated October 15, 1562.

Draft of Letter (entirely in Lord Burghley's writing) from Queen Elizabeth to the Earl of Murray, Regent of Scotland. Dated in March, 1568-9.

Royal Letters, Scotland, 1569—1592.

Copy Letter (corrected throughout by Lord Burghley) from

(20) [This volume has not been put into boards. It is divided into two parts, each of which is equal to a thick folio volume.]

(21) [A large collection from the Patent Rolls in the Tower, from the reign of John to that of Edward IV. both of which it includes, is said to have been made many years since by some gentleman belonging to that establishment. It is stated that these transcripts formed four very large folio volumes, which were sold several years ago at an auction in Windsor. This Collection it is asserted would complete that made from the Patent Rolls preserved at the Rolls Chapel. MS. Letter, September, 1831.]

Queen Elizabeth to the Earl of Shrewsbury, dated March 30, 1569.

Draft of Letter from Queen Elizabeth to Robert Bowes, Esq. her Ambassador in Scotland, dated in June, 1592. (The whole in Lord Burghley's writing.)

Royal Letters—Henry VII., Henry VIII., Edw. VI., and Mary.

Letter from Ferdinand, King of Spain, to King Henry VII. Dated at Medina del Campo, November 24, 1504.

Letter from C. Cardinal of Trent, to Queen Mary. Dated at Trent, April 12, 1558.

Royal Letters—Henry VIII., Mary, and Elizabeth.

Letter from the Emperor Charles V. to King Henry VIII. Dated at Piacenza, September 24, 1529.

Copy of Letter from Queen Elizabeth to the magistrates of the city of Embden. Dated at Richmond, February 19, 1600-1.

Royal Letters—Elizabeth.

Letter from Emanual Philibert, Duke of Savoy, to Queen Elizabeth. Dated at Brussels, December 28, 1558.

Letter from Marino Grimani, Doge of Venice, to Queen Elizabeth. Dated January 8, 1602.

Royal Letters—James I.

Letter from Henry IV. King of France, to King James I. Dated at Fontainbleau, June 2, (1603). (The whole in King Henry IV.'s writing.)

Copy of Letter from King James I. to the Magistrates of the city of Dantzig. (Without date.)

Royal Letters—Charles I. and II., James II., William III., Queen Anne.

Letter from the Deputies of the town of Rochelle to King Charles I. Dated March 30, 1625.

Letter from Victor Amadeus, Duke of Savoy, to Queen Anne. Dated at Turin, September 8, 1706.

Royal Letters, (22) 1571—1684.

Letter from the King of Porqua (of Porcat on the Malabar

(22) [In hastily turning over the leaves of this and the two succeeding volumes, the Compiler has noticed some few documents of a different character.]

coast) to the chiefs of the Portuguese factory at Cochin. Dated at Culao, February 23, 1571.

Translation of Letter from the Divan of Tunis to King Charles II. Dated at Tunis, in the year 1685.

Royal Letters, 1684-5—1701.

Letter from King James II. to Peter, King of Portugal. Dated at Whitehall, February 9, 1684-5.

Translation of Letter from Mustapha, Dey of Algiers, to King William III. Dated at Algiers, in the year 1701.

Royal Letters—1701-2—1714.

Copy of Letter from Queen Anne to the Emperor Leopold I. Dated at St. James's, March 10, 1701-2.

Letter from George Louis, Elector of Hanover, to Queen Anne. Dated at Hanover, June 9, 1714.]

[*Transcripts of Miscellaneous Documents.*]

[Four Volumes, 1558—1645. All from the State Paper Office.

VOL. 1.—1558—1579.

Instructions from Queen Elizabeth to the Earl of Arundel, the Bishop of Ely and Dr. Wotton, sent as Commissioners to France by the late Queen Mary, directing them to continue their functions as Commissioners and to proceed with the treaty. Dated November 23, 1558. (Corrected throughout by Lord Burleigh.)

Warrant from Queen Elizabeth and instruction from Lord Burleigh and Sir Francis Walsingham, to Sir Richard Bingham, authorizing him to seize all Dutch ships going to Spain, as a security for the debts due by the States General to her Majesty. (Without date.) Corrected by Lord Burleigh:—probably in the year 1579.

VOL. 2.—1580—1602.

Instruction from Queen Elizabeth to Lord Grey on being appointed Lord Deputy of Ireland in 1580.

Letter from Theodore Beza and Antony Fayus to Queen Elizabeth, earnestly recommending the Church of Geneva to her Majesty's protection. Dated at Geneva, January 17, 1602-3.

VOL. 3.—1603-4—1624.

Ordinance of the States General relative to the duties to be paid on the tare of English cloth imported into the Low Countries. Dated February 3, 1603-4.

Relation delivered to the Ambassadors, Sir Isaac Wake, Sir Robert Anstruther and Sir James Spens, of the causes, which led to the rupture of the proposed treaty of marriage between Charles, Prince of Wales, and the Infanta of Spain, 1624.

VOL. 4.—1625—1645.

Grant from King Charles I. to the Duke of Buckingham of a Pinnace, named the Lion's Whelp, to be employed in an attempt to discover the North-West Passage. Dated April 7th, 1625.

Translation from the Spanish of the Privileges granted by Philip IV., King of Spain, to the English Merchants trading to his dominions. Dated March 19th, 1645.

A volume, partly consisting of transcripts of Documents at the Chapter House, and partly of transcripts of Documents at the State Paper Office.

Pages 1—407. A. D. 1371—1543. Chapter House.

Confirmation of the Treaty of Peace between Louis, Count of Flanders and Edward III., King of England, concluded at Ghent. Dated Ghent, 27th April, 1371.

Commission of Charles V., Emperor of the Romans, &c. to Don Ferdinand de Gonsaga, Prince of Melfete and Viceroy of Sicily, appointing him as his Ambassador to treat with the Ambassadors of Henry VIII., King of England, on the subject of their mutually invading France. Dated at Brussels, 7th December, 1543.

Pages 409—865. A. D. 1543—1603. State Paper Office. The Transcripts contained in this part of the volume seem to consist, for the most part, of Royal Letters. (23)

Draught of a Treaty between the Duke of Norfolk and others, on behalf of Henry VIII., King of England, and the

(23) [Some Treaties, Commissions, &c. are intermixed, and occasionally the transcript comes from the Chapter House, and not the State Paper Office.]

Emperor Charles V., for the mutual Invasion of France. Dated at Hampton Court, 22nd December, 1543.

Translation of a Letter from the Czar Boris Fedorowitz to Elizabeth, Queen of England, acknowledging the receipt of her Letter acquainting him that she had made choice of a beautiful Young Lady of fifteen years of age, one of her subjects, to be the Wife of his Son, and desiring to know whether the Young Lady is of the Blood Royal, or what is her origin. Dated at Moscow, in April, 1603..

A volume. A.D. 1518—1602. State Paper Office.

Treaty of Marriage between Francis, Dauphin of France, eldest Son of Francis I., King of France, and Mary, eldest Daughter of King Henry VIII. Ratification dated November 9th, 1518.

Grant to George Sands, Esq., for life, of the office of Keeper of the Block House, near Gravesend, (without date,) in the reign of Queen Elizabeth.

A volume and a packet. 1546—1657. State Paper Office.

The volume. 1546—1624-5.

Instructions from King Henry VIII. to Sir Ralph Fane, Mr. Hall, and Mr. Avery, to review and muster a Corps of 1500 horse and 8000 foot, raised in Germany by Count Keiffenberg for the King's service. Dated in August, 1546.

Additional Instructions from King James I. to Sir James Spence, Ambassador to Gustavus Adolphus, King of Sweden. Dated March 15, 1624-5.

The Packet. 1625—1657.

Contract entered into by the Marquis of Effiat, the French Ambassador, relative to the Terms on which some English Men-of-War were to be lent by King Charles I. to the King of France, to be employed in his service. March 28, 1625.

Secret Treaty between Oliver Cromwell, Lord Protector, and Louis XIV., King of France. Dated at Paris, May 10th, 1657.

A volume. 1445—1558. State Paper Office.

Treaty of Commercial Intercourse between England and the

States of Holland, Zealand and Friesland, concluded at the Hague, August 28th, 1445.

Instructions and Orders of Francis, Earl of Bedford, for the Regulation of the Military Force in the counties of Dorset, Devon and Cornwall. Dated April 18th, 1558.

A packet. 1545—1697. State Paper Office.

Warrant from King Henry VIII., authorizing the Privy Council to issue Warrants to the Exchequer for payment of Money under the King's Stamp. Dated at Westminster, October 12th, 1545.

Proclamation for receiving Hammered Silver Coin as a legal tender for payment of Revenue, &c. at the rate of 5s. 8d. per ounce. Dated January 10th, 1696-7.

A volume. 1649—1714. State Paper Office.

Instructions from King Charles II. to George, Duke of Buckingham, sent as Ambassador Extraordinary to the Emperor, to solicit his assistance, and that of the Electors and Princes of the Empire, against the Rebels in England. Dated in the Island of Jersey, January 25th, 1649-50.

Letter from Charles, Landgrave of Hesse, to Queen Anne. Dated at Cassell, June 7, 1714.

Two packets, consisting of transcripts of Patent Rolls. Rolls Chapel. In the reigns of James I. and Charles I. (24)

A volume. 1660—1699. State Paper Office.

Articles of Agreement between the Earl of Winchelsea and the Levant Company, on his Lordship being appointed Ambassador Extraordinary to the Ottoman Porte. Dated September 19th, 1660.

Report, by Sir Joseph Williamson, of his Negotiations with Baron de Lilliervot, at the Hague, relative to the proposed Treaty of Alliance between England, Holland and Sweden. Dated in 1699.

A volume. 1664—1678. State Paper Office.

Original Warrant, signed by King Charles II. and counter-

(24) [This Collection appears to be a continuation of the Supplementary Volume, No. 6, *ante*, p. 376.]

signed by Mr. Secretary Bennet, authorizing the Duke of York, as Lord High Admiral, to issue Letters of Reprisal against the Dutch. Dated January 28th, 1664-5.

Commission from King Charles II. to Sir John Trevor to act in conjunction with the Ministers of the States General in mediating a Peace between France and Spain. Dated February 2nd, 1677-8.]

[*Transcripts of Proclamations.*]

The State Paper Office furnished the whole of these Transcripts.

A volume. 1625—1642.

Order in Council, requiring all Masters, Purrs, &c. in the Navy to pay strict attention to the care of the Provisions, and for their regular attendance on board. Dated May 24th, 1625.

Proclamation, forbidding all Levies of Forces without his Majesty's express pleasure, signified under his Great Seal, and all contributions and assistance to any such levies. Dated June 18th, 1642.

Two packets. 1660—1684.

First packet. 1660—1666.

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Second packet. 1667—1684.

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[*Transcripts of Sign Manuals.*]

The whole of these Transcripts come from the State Paper Office.

A packet. 1608—1624.

Commission and Instructions to the Commissioners appointed to inquire into the Collecting and Appropriation of his Majesty's Customs. Dated November 28th, 1608.

Commission to George, Archbishop of Canterbury, the Lord Treasurer and other Lords of the Privy Council, for banishing Jesuits and Seminary Priests. Dated December 24th, 1624.

Two packets. 1619—1640.

First packet. 1619—1624-5.

License to Richard Burbage, Henry Coudell, John Lowen,

and others, to act Plays at the Globe, Bankside, in Surry, and in the Precincts of the Blackfriars, London. Dated at Westminster, March 27th, 1619.

Commission to the Law Officers of State in Ireland to examine and dispose of the King's Wards, Idiots and Lunatics, and to inquire into the Revenues arising from Licenses and Alienations in that kingdom. Without date, in the reign of King James I.

Second packet. 1625—1640.

Warrant for using the late King's Great Seal for Ireland until a new one could be made. Dated March 30th, 1625.

Commission to the Great Officers of State for compounding with Recusants, and employing the Fines and Forfeitures arising therefrom in the Equipment of Six Men-of-War for the Protection of the North-East Coast. Without date.]

[The whole of the foregoing volumes and packets of Transcripts, made for the New Edition of the *Fædera*, are now in the possession of the Secretary to the Record Board. Some few other Transcripts for the same work, from casual circumstances, still remain in the custody of two of the Sub-Commissioners; viz.—

1. Transcripts of various Rolls preserved at the Tower. 20—40 Edward III. It is said that most of these articles are of little importance—that several of a better class were sent too late for insertion in the new edition of the *Fædera*, and that some few are duplicates.

2. A small Collection of State Papers and Letters, from the reign of Henry VII. to that of James II. Some of these Transcripts are said to be curious. The whole came from the Museum.

3. Transcripts of all the Documents intended for insertion in the new edition of the *Fædera*, from the 8th of Richard II., the period at which the printing of the work

was suspended by order of the Record Board, to the 14th year of the same reign. (25)]

The State Paper Office.—[No transcripts appear to have been made of any documents in this repository, except those destined for insertion in the *Fædera*. The ensuing copies of two documents casually chosen for transcription at a visit the Compiler lately made to the dilapidated building in Great George Street, will enable the reader to form some notion of the historical treasures, which are there buried.

Interrogatories prepared by King James I. for the Examination of Guido Fawkes, November 6th, 1605, (entirely in the Hand-writing of King James). From a Collection of Documents relative to the Gunpowder Plot, in his Majesty's State Paper Office, No. 17.

This examinate wolde nou be maid to ansoure to formall interrogatours :—

1. As quhat he is, for I can never yett heare of any man that knowis him.
2. Quhaire he vas borne.
3. Quhat vaire his parents names.
4. Quhat aage he is of.
5. Quhaire he hath lived.
6. Hou he hath lived, & by quhat trade of lyfe.

(25) [Numerous other Transcripts appear to have been made both for the *Fædera* and the other works, commenced, or projected, since the beginning of the present century, by the different Record Commissions ; but those mentioned in the preceding chapter are all respecting which the Compiler is able to give any information. Of the rest, notwithstanding repeated inquiries in every quarter likely to furnish intelligence, no traces can be discovered ; and perhaps the only evidence of their having been made is to be found in the charges for transcription. It is proper to state that many Transcripts appear to have been made of Records and Documents in the Chapter House, Museum and other repositories, connected with the affairs of Scotland, the whole of which, it is believed, have been deposited in the General Register House, Edinburgh.]

7. Hou he ressaved those woundes in his breste.
8. If he vas ever in service vith any other, before Percie, & quhat thay vaire, & hou long.
9. Hou came he in Percies service, by quhat meanes, & at quhat tyme.
10. Quhat tyme vas this house hyred by his maister.
11. & hou soone after the posessing of it, did he beginne to his devillishe preparations.
12. Quhen & quhaire lernid he to speake Frenshe.
13. Quhat gentle womans lettir it vas, that vas founde upon him.
14. & quhairfor doth sho give him an other name in it, then he gives to him self.
15. If he vas ever a Papiste, & if so, quho brocht him up in it.
16. If other wayes, hou vas he convertid, quhaire, quhen, & by quhom.

This course of his lyfe I ame the more desyrouse to know, because I have dyvers motives, leading me to suspecte that he hath remained long beyonde the seas, & ather is a preiste, or hath long servid som preiste or fugitive abroade, for I can yett (as I saide in the beginning heirof) meite with no man that knowis him; the lettir founde upon him, gives him another name, & those that best knowis his maister, can never remember to have seene him in his companie, quhair upon it shoulde seeme that he hath bene reccomendit by some personnis to his maisters service, only for this use, quhairin only he hath servid him; & thairfore he volde also be asked in quhat company & shipp he went out of Englannde, & the porte he shipped at, and the lyke questions wolde be asked anent the forme of his returne; as for these tromperie waires founde upon him, the signification & use of everie one of thaime wolde be knowin, & quhat I have observid in thaim, the bearare vill show you; nou laste ye remember of the crewallie villanouse pasquil that rayled upon me for the name of Brittaine, if I remember richt, it spake some thing of harvest, & prophecied my destruction about that tyme, ye may thinke of this, for it is like to be the laboure of suche a desperate fellow as this is: if he vill not other wayes

confesse, the gentler tortours are to be first used vnto him, & sic per gradus ad ima tenditur, & so God spedde youre gooda woeke.

JAMES R.

(Indorsed by Lord Salisbury)

“ 6 Novemb:
“ The K^o. Articles.”

Examination of Guido Fawkes, on Interrogatories prepared by King James I. November 6th, 1605.—From a Collection of Documents relative to the Gunpowder Plot, in his Majesty's State Paper Office, No. 19.

To the 1. He sayth his name is John Johnsonne.

2. He was borne in Yorkeshyre in Netherdale.

3. His Father's name was Tho: Johnson, his Mother's Edith, Daughter of one Jacksonne.

4. His age 36 yeares.

5. He hath lived in Yorkeshyre, first at scoole ther, and then to Cambridge, and after in sondrye other places.

6. His maintenaunce was by a farme of £30 p an^r:

7. His skarrs came by the healinge of a pluracye.

8. He nev^r served any before he served M^r. Tho: Percie.

Sic. 9. He procured M^r. Peries* service only by his owne meanes, being a Yorkshire man, about Ester was twelmonth.

10. His M^r. hyred the house abowt Midsom^r was twelmonth.

11. Abowte the Christmas followinge, he began to bring in the gunpowder.

12. He did learne to speake French, first here in England, and increased yt, at his last being beyond the seas.

13. The letter that was founde abouthe him, was from a gentlewoman maryed to an Inglish man, called Bostock, in Flanders.

14. The reason why she calleth him by another name, was bycause he called himself Fauks.

15. He sayth he was ev^r brought upp a Catholique, by his parentes.

16. He was ev^r a Catholique, and nev^r converted.

That he went ov^r from Dover amongst strangers, and ther landed againe at his retourne.

(Signed)

JHON JHONSON.

(Signed) NOTINGHAM.

(Signed) DEVONSHIRE. H. NORTHAMPTON. SALISBURY.

(Indorsed) " 6. Novem. 1605,

" The Examination of Johnson to y^e K^r. Articles :—

" In the Afternoon."]

[The Manuscript Collection in the Compiler's possession affords scarcely any information respecting the contents of the State Paper Office, beyond that which may be found in the Reports from the Select Committee and the Reports from the Commissioners.(26) A comparison of the following List of Books and Papers, which in 1806 were uncalendared, with the printed account of the Calendars, that had, in the month of May, 1818, been compiled in the office, or were then " in a state of progression,"(27) will show that the exertions of sixteen years had enabled the respectable officers of this establishment to make but a small advance towards the goal of their labours.]

[From Manuscript Collection.]

List of Books and Papers in the State Paper Office, which in 1806, were wholly unprovided with Calendars, Catalogues, and Indexes.

Part I.

OLD OFFICE.

Original Papers of the Commissioners for sequestrating and compounding for Royalists Estates, during the Interregnum 1648 to 1659.

Petitions to the Commissioners for compounding, &c., during the Interregnum 1648—1659.

(26) [See Reports from the Select Committee on the Public Records, pp. 68—74; Reports from Commissioners on the Public Records, vol. i. pp. 363—365.]

(27) [Reports from Commissioners on the Public Records, vol. i. p. 363.]

Papers relating to money advanced during the Interregnum, by the adventurers, for grants of land in Ireland.

Account Books, and Journals of the several Committees of Finance, of Compositions, &c., from 1640 to 1660.

Papers relating to Trade and Foreign Plantations, from the reign of Elizabeth to Charles II. inclusive.

A Collection of Papers relating to the Revenue, and internal Government of the country, very imperfectly arranged in order of subject, from Henry VIII. to Charles II. inclusive. From inspection of some of the bundles, these Papers appear to be valuable.

Detached volumes classed in the reigns of Elizabeth, James I. and Charles I.

Collection of papers relating to Tangier in the reign of King Charles II.

A very valuable Collection, by Sir Joseph Williamson, of Copies of Treaties between England and Foreign Powers, and between Foreign Powers themselves, from Henry VIII. to Charles II.

Sir Joseph Williamson's Collections, relating to the negotiation of the treaties of Cologne and Nimeguen, of which there is a very imperfect Calendar of Volumes only.

Sir Joseph Williamson's Collection of Foreign and Domestic Papers, during the reign of King Charles II.

Papers relating to the Treaty of Cologne 1672.

Papers relating to Military Affairs from Elizabeth to Charles I.

Papers relating to Criminal Cases, Elizabeth to Charles I.

Papers relating to Ecclesiastical Affairs, Henry VIII. to Charles I.

A Collection of Papers entitled *Anglia*, which appear to be the Domestic correspondence of the Secretaries of State, and other Ministers, with the principal Nobility and Gentry, from the reign of Hen. VIII. to Charles I.

French Correspondence, 1527 to 1688.

Spanish Correspondence, 1540 to 1640.

Italian Correspondence from Henry VIII. to Charles I. inclusive.

Holland Correspondence, 1547 to 1686.

Correspondence with the Low Countries, 1577 to 1640.

Correspondence with the Hanse Towns, 1551 to 1698.

German Correspondence, 1517 to 1688.

County Local History.

Admiralty and Navy papers, Elizabeth to Charles II.

Part II.

MODERN OFFICE.

		Vols.
Holland Correspondence . . .	1647 to 1780 .	320
Rotterdam	1745—1780 .	44
Flanders	1684—1780 .	120
Germany	1676—1780 .	218
Hamburg	1701—1780 .	81
German Princes	1701—1780 .	70
France	1695—1778 .	176
Spain	1672—1780 .	138
Portugal	1692—1777 .	64
Switzerland	1689—1776 .	43
Turin	1691—1779 .	56
Naples	1684—1779 .	29
Florence and Leghorn . . .	1684—1779 .	69
Genoa	1684—1775 .	22
Venice	1689—1775 .	25
Constantinople	1684—1779 .	35
Barbary States	1669—1759 .	7
Denmark	1689—1780 .	119
Prussia	1698—1780 .	107
Poland and Saxony	1674—1789 .	105
Sweden	1689—1780 .	120
Russia	1679—1780 .	107
Hanover and Whitehall . .	1689—1779 .	147 { vols. or bundles.
Domestic Correspondence . .	1674—1724 .	21
Law Papers	1663—1768 .	7
Rebellion Papers	1685—1746-7	54
Criminal Papers	1687—1771 .	23
Domestic Letters	1665—1766 .	14
Ecclesiastical Papers	1684—1769 .	7
Military Papers	1690—1762 .	33

THE STATE PAPER OFFICE.

	Vols.
Scotland	1670—1755 .
Ireland	1684—1757 . 35
Admiralty Papers	1689—1761 . 80 & 6 bundles.

America and West Indies . .	1689—1792 . 93 & 6 bundles.
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Foreign Ministers Letters . .	1710—1752 . 13
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Treaty Papers	1701—1763 . 19
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Trade Papers	1691—1761 . 17
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[The Commission for printing and publishing the State Papers bears date the 14th September, 1830, and is directed to the Right Honourable Charles Manners Sutton, Sir Robert Peel, Charles Watkin Williams Wynn, John Wilson Croker and Henry Hobhouse. The first and preceding Commission bore date the 10th of June, 1825, and was directed to the same Commissioners. The Commission, after reciting that it had been represented unto his late Majesty, that the Papers and Documents deposited in the Office of his Keeper and Register of his Papers and Records, since its establishment on its present footing, in the year 1800, had been in great measure arranged and indexed, and many of them were found to be of great value and importance, and to throw a great light on various obscure parts of the History of this Realm, and that it would be of public benefit that the same should be printed and published, in a style worthy of his Royal Patronage, authorizes and empowers the Commissioners to examine the several Papers, deposited and arranged in his said office, and to consider which of them might be fitly printed and published with advantage to the Public, and without prejudice to his service, and to cause such of them to be printed and published, and in such manner and style, as should be approved by the Commissioners of his Treasury for the time being.]

[A volume has lately appeared under the direction of the State Paper Commissioners. It is in quarto, and bears the title *State Papers, published under the authority of his Majesty's Commission, Vol. I. King Henry the Eighth. Parts I. and II.*]

CHAPTER XXXIII.

PROPOSAL FOR THE COMPLETION OF THE YEAR BOOKS AND FOR AN UNIFORM AND SYSTEMATIC EDITION OF ALL OUR ANCIENT LAW WRITERS.

[*From the Appendix to the First Report from the Select Committee of the House of Commons on the Public Records.]*

I. *Year Books.*—Whatever may have been the nature of the authority under which those books were compiled, and whatever the particular description of the compilers, (concerning which there seems to be a considerable diversity of opinion,) they are universally considered as containing official and authentic accounts of the arguments and decisions in the most important causes, which came before the chief tribunals of this country, from a very early period down to the general introduction of printing; about which time certain eminent judges and lawyers, as Keilway, Moore, Benloe, Dyer, Plowden, &c. began, without any special appointment, or duty, to make similar compilations, with a view of committing them to the press. Such a valuable monument of practical law and jurisprudence as the Year Books, probably does not exist in any other country. But, 1. In the printed editions of these important annals, there are many chasms and interruptions in the series of years. 2. The printed copies abound with many imperfections of other sorts. The cases, arguments, and judgments, are not so fully stated in them, as they are to be met with in some of the manuscripts, because those editions were (as it should seem) made from other manuscripts less complete; the

editors not having the means, or industry, at least, of resorting to those, which were full and accurate. 3. They are printed so close, so many of the manuscript abbreviations are retained, and there is so little separation into paragraphs, or distinctions between what is said by the counsel, and what by the judges, that it often requires the experience and sagacity of a legal antiquary, and generally much more time than the practising lawyer can bestow, to read, or rather to decipher, the passages to which there is occasion to refer. 4. There is no general well digested Index to them.

1st. Of the Chasms.—There are extant in manuscript, in the library of Lincoln's Inn and other repositories, Year Books, from the reign of Edw. I. inclusive, to the first year of Hen. VIII., but of the series of years, in that long space of time, there are wanting in the printed editions: The whole of the reign of Edw. I., except the short memoranda *in Scaccario*, prefixed to what now forms the first printed volume: The reign of Edw. III. *ann.* 11 to 16; *ann.* 19, 20, and *ann.* 31 to 37: The whole of Ric. II.; of Hen. V. *ann.* 3, 4, and *ann.* 6; of Hen. VII. *ann.* 17, 18, 19. A variety of reasons concur to render it probable, that, if not the whole, a considerable part of these deficiencies, might be supplied from existing manuscripts. As to the reign of Edw. I. it is clear from Fitzherbert's Abridgment, that there were extant in his time Year Books of that period; and Sir Matthew Hale, in his *History of the Common Law*, mentions, “that some of those, though broken, yet the best of their kind, were then in Lincoln's Inn Library,” (Cap. 8. p. 166.) No. 141, according to the Catalogue in that Library, contains the three following years of Edw. I. viz. 17, 18, and 19, in a regular series; and No. 188, contains different cases in the 30th, 31st, and 32d; and the above passage in Lord Hale seems to show, that other manuscripts of other parts of this reign existed in his

time, (28) which, on proper investigation, may be found in other repositories. What he says of the merit of these Reports, independent of their priority of date, must certainly excite a strong wish to see as complete a collection of them as can be formed, added to the existing printed Year Books of the succeeding reigns: his words are, "these Reports are very brief; either the judges then spoke less, or the reporters were not so ready-handed as to take all they said, and hence their brevity makes them the more obscure; but yet in those brief interlocutions between the judges and the pleaders, and in their definitions, there appears a great deal of learning and judgment."—(*Ib.*) Of the years wanting in the reign of Edw. III. probably several may be supplied from the manuscripts in the collection of Lincoln's Inn; and it is said, that those in the British Museum contain *ann.* 11 and 13; *Fitzherbert's Abridgment* contains many cases in the years now wanting in print of this reign; as, for instance, in 11, 12, and 13 Edw. III. (Title *Assize*, No. 85, 86, 90); and Lord Hale says, that in his time, the years of this reign omitted in the printed books, were extant in many hands in old manuscripts.—(Cap. 8.) Years 2, 6, 7, 8, 11, 12, and 13 of Ric. II. are in Lincoln's Inn Library. Of Hen. VI. the whole reign, except the 5th, 8th, and 23d years, are in the British Museum.

2dly. Of Imperfections in the printed Copies.—As to the difference between the printed copies, and the manuscripts in Lincoln's Inn Library, of those years, which are printed, a remarkable instance occurs with regard to the Year Book of Edw. II. which now constitutes the first volume of the printed copies. That Year Book was never published till 1678. A beautiful manuscript collection of juridical annals of that reign had been mentioned by Selden

(28) In the schedule to his will there is this article "Reports, temp. Edw. I. under titles, One Volume," but no corresponding book is now to be found in the library.

(*Dissert. ad Fletam*, cap. 8. s. 3.) as having been presented by Sir John Baker, Chancellor of the Exchequer in the time of Philip and Mary, to the Society of the Inner Temple, of which he was a member, and as then preserved there. But the immediate occasion of the publication in 1678 was a circumstance, which passed only a few years before (22 Car. II.) on the argument of the case of Sacheverell and Froggart in the Court of King's Bench, when Lord Hale mentioned that there was a fair manuscript of all the years of Edw. II. in the Library of Lincoln's Inn, and directed search to be made in that manuscript for a particular determination in the 12th of Edw. II. in consequence of a reference, which had been made at the Bar, to a case in 33 Eliz. in the account of which it was said: that "the Court relied on a book shown to them in writing in 12 Edw. II." On the examination of the book in Lincoln's Inn, it turned out that no such case was to be found there in that year, and therefore it was then supposed, that, in the account of the book produced to the Court in the reign of Elizabeth, "12 Edw. III." had been mistaken for "12 Edw. II." there being a case in Fitzherbert of 12 Edw. III. in some degree applicable. It is observable, however, that two contemporary reporters of the case in 33 Eliz. viz. Croke and Owen, (*Cro. Eliz. 217, Ow. 9.*), concur in stating the book to have been of Edw. II. Hence it has since been inferred, naturally enough, that some other manuscript Year Book may have been produced at that time, and that it may have been that mentioned by Selden; who, in the place quoted, mentions also one of the same reign in the Library of Lincoln's Inn. The edition in 1678 is understood to have been made under the direction of Sir John Maynard; and, from the following passage in the Preface (probably written by him) it might be concluded, that it was printed from the copy in Lincoln's Inn: "The

solemn commendation of it (*i. e.* of the ‘old book of the years and terms of Edward the Second,’) to the press, by the late Lord Chief Justice Hale, upon the occasion of the authorities cited in a late case in his time, was delivered in so particular a manner, that it could not but make an impression. Upon a matter of argument, which depended for a long while, and which, in the observation of that incomparable judge, was of moment and difficulty, he did direct and refer to this book as an authority that might govern the question, and most worthy to be published.” Accordingly, this has been supposed to be the case (*Biblioth. Leg.* vol. ii. p. 80.) The title page, however, seems to prove the contrary, as it states the edition to have been made, “according to the ancient manuscripts now remaining in the hands of Sir John Maynard,” and the point appears to be put out of doubt, in consequence of a comparison of the printed copy, with the manuscript No. 139 in the Library of Lincoln’s Inn, which contains the whole reign of Edward II. The gentleman who has made the comparison states as follows: “This manuscript is entirely different from Maynard’s Edward II. containing many cases not in the latter, and such as are found in both being differently reported. Amongst others vide Hablut and Mey’s case, *Quid Juris Clamat. Mayn.* p. 306. MSS. fo. 130. See also, *Mayn.* p. 406. MSS. 207. being Trinity Term, 13 Edw. II. where no two cases are alike.” Lord Hale says, “that when he wrote there were many entire books of Edw. II. abroad.” —(Cap. 8.) One other instance shall be mentioned, to show that there are probably much and important differences between the printed copies and the manuscripts, which may still be found, and made use of to supply defects and correct errors, if a new edition of the Year Books should be undertaken. What degree of authority belongs to Bracton and other ancient writers on the law

of England is a question often agitated. In *Fitzherbert's Abridgment*, title Ward, No. 71, a case is stated from a Year Book of 35 Henry VI. No. 52, in which, according to him, "The whole Court said that Bracton was never held for authority in our law." A very accurate modern writer, who has examined the printed book of Hen. VI. says, "It is a pleasure to discover that the Year Book gives no warrant for this (as he terms it) monstrous opinion."—(*Reeve's Hist. of the Eng. Law*, vol. iv. p. 571, note(t)). It is submitted, however, that it is much more probable that Fitzherbert, in that instance, as in so many others he is known to have done, made use of a Year Book different from that in print, than that he should have alleged the opinion in question to have been delivered without such adequate authority. To conclude these observations on the difference between the printed and manuscript Year Books, it must be observed, that it has been found that the latter in Lincoln's Inn Library are in general fuller, and contain real names of persons and places at length, which are often fictitious, or abbreviated, in the printed copies.

3dly. As to the manner in which the present editions are printed.—It has been remarked, as matter of regret, "that Doomsday Book, as printed, is a mere fac simile, constituting a very large folio, full of abbreviations, and signs, that cannot be understood without a key, and much previous information."—(*Reeve's Hist. E. L.* vol. i. p. 220, n. (s).) The same description is in a great measure applicable to the printed Year Books, and is certainly a subject of still much juster regret as to them, on account of the more frequent occasions, which occur for consulting them. Selden's opinion of the impropriety of printing law books in that manner, may be seen from the following passage in his *Dissertation on Fleta*, concerning the edition to which that Dissertation was prefixed:

“ Neque enim editio omnino mea est: nec sane, si fuisset, vocabula exemplaris veteris, ad forensis scriptionis formulam—tot decurtata, et veluti *notis levibus pendentia verba*—(ut de veterum formulariorum scriptione dixit Manilius), adeò retinere permississem.”—(Cap. I.)

4thly. There is yet another great desideratum in regard to the Year Books, viz. a full and well-digested general Index to the whole. At present such indexes as there are in the printed books are so dispersed in the different volumes, are of such unequal merit, and, in general, so scanty and imperfect, that they are of very little use; and the lawyer generally finds it best to neglect them, and resort to the different abridgments of the law, in order to discover what cases and passages in the Year Books may be applicable to the point he has occasion to examine.

II. *Judicial Records*.—The best evidence of the law, next to the positive statutes, are those Records of judgments in litigated cases, in which, some point, or points, of law, being at issue, the opinion of the Court as to such points is necessarily deducible from the judgment pronounced. This sort of evidence, however, was more satisfactory and useful in the early periods of our jurisprudence, when, in cases of difficulty, civil, or criminal, it was customary to set down the reasons and causes of the judgment in the Record, a practice which, as Lord Coke informs us, (4 Inst. 4,) was continued till the reign of Edw. III.(20) It appears from the return lately made to the Select Committee of the House of Commons by Mr. Rose, as Keeper of the Records in the Chapter House, that there are many Records of such special judgments in that collection, both in the *Curia Regis* and in the separate Courts, among which (at a period not hitherto well ascertained) the functions of that high tribunal came to

(29) [See ante, Part I. p. 235, and the Addenda.]

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divided. Fair transcripts of many of such ancient
and Records, probably of those, which appeared the
most valuable to Lord Hale, are to be found among his
manuscripts. Of those in the reign of Edw. I. he ex-
pressly says, "that he had read over many of them, and
had generally observed, that the pleading is very short,
but very clear and perspicuous, and neither loose, or un-
certain, nor perplexing the matter either with impropriety,
security, or multiplicity of words; that they are clearly
and orderly digested, effectually representing the business
that they intend; and that the title and the reason of the
law upon which they proceed (which many times is ex-
cessly delivered upon the Record itself) is perspicuous,
clear, and rational, so that their short and pithy pleadings
and judgments do oftentimes better render the sense of
the business and the reasons thereof, than those long, in-
tricate, perplexed, and formal pleadings, that oftentimes
of late are unnecessarily used."—(*H. of Law*, cap. 7.)
It is manifest, therefore, that a proper selection of such
early pleadings and judgments, with a continuation down-
wards of those to which the Year Books refer, to be set
out in some cases at length, but in most to be faithfully
and judiciously abstracted, would, if printed, form a very
valuable companion to a new and complete edition of the
Year Books.(29) Indeed, by this means, a key would be
furnished to the Year Books, which would enable the
editor of any new impression thereof to correct many
mistakes, which, no doubt, after the fullest comparison of
the different copies, would otherwise remain in them, and
(which is of more consequence) would clear up many ob-
scurities, difficulties, and intricacies, which at present are
frequently found to puzzle the ablest and most learned
lawyers. . Most probably the transcripts of judicial Re-
cords in Lord Hale's collection will be found to relate

(29) [See ante, Part I. p. 240.]

particularly to those matters of which he treats in his various excellent writings on the law; and as they are so fully and accurately written, the use of them would unquestionably not only greatly assist the judgment of those, who should have the task of making the proposed selection, but also very much facilitate the execution of the work.

* * * * *

In order to complete a fundamental *Corpus Juris Anglicani*, to be executed in a manner worthy of that law and constitution, whose original rules and principles it would contain, illustrate and contribute to preserve, perhaps to the Year Books, ancient judicial Records, &c. something would still remain to be added, namely, a correct, uniform impression of those early writers, who, though they may not be considered as what is called, in a sort of technical sense, legal authority, have ever been highly valued, and constantly referred to by the best judges, as forming some of the first links in the chain of our national jurisprudence. Such are Glanvill, Bracton, Britton, Fleta, the Mirror, the Old Book of Tenures (all of which were composed before the use of printing) and, above all, Littleton's Tenures, of which it would seem that a printed impression was begun about the time of the author's death. Every lawyer knows how uncouth and incorrect almost all the editions of those authors are, except those of Littleton contained in the different impressions of Lord Coke's Commentaries. In the Library of Lincoln's Inn there are indeed but few manuscripts of any of them, but those few are of considerable merit; and, in other repositories, there are a great many, as for instance, not less than eight of Bracton in the British Museum. An accurate and judicious collation of all that are extant of each, would of course be made, if a new edition of the whole should be thought an object of pub-

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lic concern. A French lawyer, Mons. Houard, in the year 1766, published, in two quarto volumes, the text of Littleton, accompanied with a modern French translation, and dissertations and notes; and afterwards (1776) in four uniform quartos, Glanvil, Fleta, Britton, and the Mirror, together with extracts from Domesday Book, the Laws of Hen. I. those of Malcolm Mackennett, King of Scotland, and the book called *Regiam Majestatem*. (30) These publications were chiefly intended to illustrate the connection between the early jurisprudence of France and that of England, as delivered in those ancient works, but the example has not hitherto induced any individual in this country to engage in a similar undertaking, though it might have been supposed that the temptation and encouragement here would have been much greater. (31) The whole plan, however, of a uniform and systematic impression of the ancient law writers, the Year Books, judicial Records, &c. is perhaps too extensive to be expected from the mere zeal, or speculation and enterprise

(30) [Anciennes Loix des François, conservées dans les Coutumes Anglaises, recueillies par Littleton ; avec des Observations historiques & critiques, où l'on fait voir que les Coutumes & les Usages suivis anciennement en Normandie, sont les mêmes que ceux qui étaient en vigueur dans toute la France sous les deux premières Règnes de nos Rois. Ouvrage également utile pour l'étude de notre ancienne Histoire & pour l'intelligence du Droit Coutumier de chaque Province.

Traité sur les Coutumes Anglo-Normandes, qui ont été Publiées en Angleterre, Depuis le onzième, jusqu'au quatorzième Siècle ; avec des Remarques sur les principaux points de l'Histoire & de la Jurisprudence Française, antérieures aux Etablissements de Saint Louis. On Houard's strange omission of Bracton from his compilation, see Reeve, *History of English Law*, vol. ii. pp. 88. 89.]

(31) [The whole of this long extract is from the pen of the late Right Honourable Sylvester Douglas, Lord Glenbervie, who was, in May, 1800, Master of the Library of the Honourable Society of Lincoln's Inn. The lapse of thirty years has only served to confirm the justice of the censure implied in the remarks here made. As yet our lawyers have contributed almost nothing to comparative jurisprudence, and it may be doubted whether during that period foreigners have not done more to illustrate the legal antiquities of this country than all our native writers.]

of private editors; but if it were to be thought to deserve the attention and recommendation of the Select Committee of the House of Commons, there is no doubt but that, with the munificent, yet prudent, assistance of Parliament, it might, within a reasonable time, be executed under the superintendence and direction of such learned members of both Houses, and of the law societies, as might be appointed for that purpose; and who, without doubt, would easily find able and diligent persons, skilled, and willing to take upon them the laborious part of the undertaking, if suitably encouraged.

[*Specimen of a New Edition of Britton.*]

[*From Manuscript Collection and an unpublished Tract.*]

The publication, in a correct form of the Year Books and of the ancient text writers of our law—Glanville, Bracton, Britton, Fleta, and the Mirror, &c. was considered as one of the objects of the Record Commission, and it continues to be highly necessary. The present editions are all extremely defective. No attempt was made by early editors to obtain an accurate text, or to illustrate the author. We read these works, destitute of all the aids to be afforded either by criticism, or by research. Bracton would deserve particular attention. It appears that there are two distinct *recensions* of this work, in one of which many of the passages borrowed from the Civil Law do not appear. The Norman French writers are miserably corrupted by the ignorance, or negligence, of the editors, and barbarous as the dialect may be deemed, it owes much of its barbarity to the guise in which it has been presented to the reader. The manuscripts abound with various readings, and the following specimen of Britton will convey some idea of the form, which a corrected text would assume. Many of the

smaller ancient tracts, the *Noxæ Narrationes*, the *Brevia Placitata*, &c. are of great importance in the history of the law, and many of them are yet unedited. A collection of these treatises, to be complete, should include the *Grand Consulmier* of Normandy. The most extraordinary of our ancient law books is the *Mirror of Justices*, hitherto most inaccurately published. Only one ancient manuscript of this work is known to exist (in the library of C. C. C. Cambridge, No. 258). Here we find those singular details of Alfred's stern and vindictive justice, preserved in no other memorial, and not unfrequently quoted as possessing historical authority. The *Mirror of Justices* certainly exhibits a very singular degree of fluency in the application of names, sounding like Anglo-Saxon, at a period when they had ceased to be familiar to the multitude. Andrew Horne, citizen and fishmonger, and townclerk of London, the author of this treatise, was a man of no mean importance in his day; and Guildhall yet contains a manuscript collection of laws and statutes, compiled under his care, and which has always been treasured with great respect in the City Archives. There is a tradition of an ancient book, written in Anglo-Saxon characters, whilome preserved in the same repertory, and whence Andrew Horne is thought by some to have derived his materials; yet if any such volume ever existed, we can place no great trust in the paraphrase. Andrew himself, unluckily, quotes the “Rolls of Alfred” with such thorough confidence, that it is hardly possibly to put any great trust in his warranty. And whatever may have been the motives for the composition of the *Mirror*, we are compelled to reject it as evidence concerning the early jurisprudence of Anglo-Saxon England.

The text of Britton now printed is taken from a manuscript in the Harleian collection [No. 324], anciently

belonging to the Abbey of Merivale, in the county of Warwick, as appears from the following colophon at the end of the table of contents. *Liber Sce Marie Mirevallis p f̄rem Edm̄d de Brantygthorþ.*

The same collection also contains another manuscript [No. 3644], anciently belonging to the Monastery of St. Augustine, at Canterbury; the first page contains the following inscription, which the writer applied wholly to this treatise, usually called "Bretoun," the manuscript not containing any other matter. *Liber S̄ci Augusti Cant. de Statutis et Legibz Anglie.*

The various readings taken from this MS. are distinguished by the letter [A].

A third manuscript in the Harleian collection [869], written with considerable care, is here designated by the letter [C]. It once belonged to "Walter Carleton de Lincoln, gentleman;" who, from some historical notices in the fly leaves, seems to have resided at Lincoln towards the close of the reign of Edward III., and to have been still alive in the twentieth year of the reign of Richard II.

The other manuscripts, which have been collated, are the following:—A manuscript belonging to Francis Douce, Esq., designated in the collations by the letter [D]; [No. 1176] in the Lansdowne collection of MSS., designated by the letter [L]; and the manuscripts severally numbered [529], [870], [3644], and [3937], in the Harleian collection.

BRETOUN.

Cap. I.—*De Jurisdiction le Roy.*

(1) EDWARD par la grace de Dieu, Roy Dengleterre, Syre de Irlaund, e Duk de Aquitaine a touz ses feaux e

(1) Edward par la grace de Deu, Rei de Engletere, Seignour de Ireland, e Duk de Aquitain, a toz ses *feaus e suggez de Engletere e de Irland &c.

• Feals e leals sugges [529] [3937].

leaux, e ses sugges Dengleterre e de Irlaunde.—Pees e grace de salvacion desirrauns entre le Poeple qe est en nostre protection par la suffraunse de Dieu, la quele pees ne puet pas bien estre sanz ley, avoms les leys qe home ad usé en nostre Realme avant ces houres, fet mettre en escrit, solom ceo qe cy est ordeyné.

E voloms e comandoms qe par tut Engleterre e Irlaunde, seint issy uséz e tenuz en touz poynz; sauve a nous de repeler, e de enoyer, e de amenuser e de amender, a touz les foyz qe nous verroms ke bon serra, par le assent de nos Countes e nos Barouns e autres de nostre Counseil; (2) sauve les usages a ceux qe par (3) prescripcion du temps unt autrement usé, en taunt qe lour usages ne seyent mye descordaantz a dreyture.

En primes, (4) en dreyt de nos mesmes et de nostre Court, avoms issi ordeyné, ke pur ceo qe nous ne suffisoms

† Pees, e grace, e salvacion de fraunce pes entre le poeple qe est en nostre protection par la suffrance de Deu, la quele pees ne puit estre saunz li, avoms les leis qe lem ad usee en nostre Realme avaunt ces houres, fet mettre en escrit † solom qe ci est ordeiné. [A]

Edward par la grace de Dieu, Roi Dengleterre, Seignor Dirland, a touz ses foials e leals e suggez Dengletere e Dirlaund, pees e grace de sauvacion. Desiraantz pees entre le poeple qest souz nostre protection par la suffraunce de Dieu, le quele pees ne peut mie bien estre sauntz ley, si avoms les leis qe lem ad usee en nostre Roialme avaunt ces eures, fet mettre en escrit.—[870] [L]

Edward par la grace de Dieu, Roy Dengleterre Sire Dirlaunde e Dak Daquaigne, a touz ces feaus e suggez Dengletere e Dirland, pees e § grace e sauvacion—Desiraantz pees entre le poeple qe est en nostre protection par la suffraunce de Dieu, la quele pees ne pout mie bien estre sauntz ley, si avoms les leis qe lem ad usee en nostre Realme avaunt ces houres, fet mettre en escrit, solom ceo qe est ordeiné.—[C]

(2) et sauvez [393].

(3) replicacion [3937].

(4) en dreit, omitted [5134].

† Pees e grace e sauvacion de fraunce pes nous soit graunte entre le poeple [529]. *Another hand has partly erased the word fraunce, and written desiraut in the margin.*

‡ solom ceo qe est ordeine [489]. solom qe il est [529.]
§ gre [393].

pas en nostre propre persone a oyer e terminer totes les quereles (5)del poeple avant dit, avoms party nostre charge en plusours parties, sicom est issi ordeyné.

Nous voloms qe nostre jurisdiction seit sur tutes jurisdictions en nostre Realme, issint ke en tute manere de felonies trespass e (6)contractz, e(7) en tutes(8) maneres des(9) autres actiouns personels ou (10)reals, eyoms poer a rendre (11)e a fere rendre les Jugemenz, tieux com il affierent, sanz autres proces, par la ou nous savoms la certeyne verité com Juge.

E ke nostre Seneschal de noster houstel, tiegne nostre lew dedeynz la verge de nostre hostel, et ke soun office se estenge a oyer et determiner les presentemenz des chapi- tres de nostre Coroune, (12)quant nous verroms qe (13)bon serra.

E estre ceo voloms nous qe (14)Justices errauntz seynt assignez de mesmes les chapitres oyer e determiner en chesqun Counté e en chesqune fraanchise, de sept aunz en sept aunz. E autiel poer voloms ke nos (15)chiefs Justices eyent, (16)de Irlaund e de Cestre.

E voloms qe le (17)Counte de Norfolk, par ly ou par autre Chivaler, seyt entendaunt a nous e a nostre (18)Se- neschal a fere nos comandemenz, e les attachemenz, e les execucions de nos jugementz e de nostre Seneschal, par (19)la verge de nostre hostel, taunt com il tendra (20)la Marchausie.

Endreyt des Justices qe sunt assignez de nous seure et

(5) del poeple avant dit, omitted [870]. (6) contacts [489].

(7) e en covenants e autres accions personels e reals [5134]

(8) maneres des, omitted, 870. (9) Omitted [A].

(10) e realles [C]. (11) ou a fere rendre [3937].

(12) qe, 870. (13) mestier [393].

(14) nos Justices [C]. (15) chiefs, omitted [870].

(16) Dengleterre Dyrlaunde e de Cestre [C]. (17) Viconte [L].

(18) Counseil [C]. (19) le Regne [L].

(20) en [5134]. sa [489].

de tener nostre leu ou qe nous seoms en Engleterre, volons qil eyent (21) congé e conysaunce de amender fans Juge-mentz, e de atterminer appels et autres trespassz, fetz en countre nostre pes, e en countre nostre jurisdiction [e(22) qe lour Jurisdiction e record] se estende solom ceo qe nous les manderoms par nos brefs.

E en nostre houstel seyt un Corouner qe face (23) tel mestier de la Coronue parmy la verge, par tut ou nous serroms et venoms en nostre Realme, e qe cely mesmes ovesques autres seynt assignez de assaier touz poinz, e tous pes, e totes mesures par tote nostre verge, parmy tot nostre Roialme, solom nos estendarz; e ceux deux mestiers ne lessent a faire pur nuly fraunchise, sy la fraunchise seit a fee ferme, ou en aumoyne par nous ou par nos auncestres.

(21) congé, omitted [A] [C].

(22) Not in M, but supplied from A, the sense evidently requiring the addition.

(23) E en noster houstel seyt un Corouner qe face le mester de la Coronue parmy la verge, par tut ou nous serroms et vienoms en nostre Roialme, et qe cely meismes ou autre soyt assigné de assaier touz peys e totes mesures par tote nostre verge parmy nostre Roialme, solom nos estaundars, e ceux deux mestiers ne lease a faire pur nuly fraunchise qe soit grauntee en fee ferme ou en aumoyne, par nous ou par nos auncestres. [D.]

En nostre hostiel seit un Coroner qe face le mestier de la Coronue parmi la verge par tut ou nous serroms en nostre Realme, e qe celi mesmes ou autre seit assigné, *qe tous pees e totes mesures par tute nostre verge, parmi nostre Realme, seient solom nos estandars, e ceus deus mestiers ne lease a fere pur nuly fraunchise, si la fraunchise ne soit grauntee a fee ferme ou en † frauncie almoigne par nous ou par nos ‡ auncestres. [A] [C] [529]

En nostre hostiel soit un Coroner qe face le mestier de la Coronue parmi la verge par tout ou nous serroms en nostre Roialme, et qe celuy mesmes ovesques autres soient assignez de assaier touz peis e toutes mesures par tut nostre verge en Engleterre solom nostre estandard. E ceux deus ministres ne lessent ¶ pur nuly fraunchise, si la fraunchyse ne soit graunte ¶ a feo ferme ou en aumoyne par nous ou par nos predecessours. [870] [5134]

* de assaier tous poyz e toutes mesures parmi nostre Realme solom nos estandars, &c. [C].

† ausmone [C].

‡ lafere added [5134].

¶ predecessours [C].

|| conferme [5134].

En chesqun Counté seit un Viscount qe seit entendaunt (24) a nos comaundemenz e de nos Justices avantdites, ke des pleez pledes devant eux par nos brefs eyent record.

E desouth les Viscounts seynt Hundreders, Serjauntz e Bedels, qe seyent entendauntz as Viscounts.

E ke en chescun Counté seynt Corouners esluz a la garde des plees de nostre pees solom ceo ke en le (25) chapitre de lour office sit entitle, e eux eyent record des choses qe touchent lour office.

(26) Estre ceo voloms qe Justices demoergent (27) continualment a Westmoustier ou ayllours, la ou nous vodroms ordeyner, a pleder communs pleez, solom ceo ke nous les manderoms par nos (28) brefs, issi ke des paroles dedutes devaunt eux par nos brefs, eyent record.

(29) Auxi voloms nous qe a nos Eschekers (30) a Westmoustier e ayllours, eyent nos Tresoreres e nos Barouns iluques jurisdiction e record des choses qe touchent lour office, e a oyer e a determiner totes les causes ke touchent nos dettes e nos feez, e les incidentes choses, sanz les queux tieles choses ne purrount estre (31) tryez. E ke il eyent poer a conustre des dettes ke lem deyt a nos detours, par unt nous pussoms plus (32) tost (33) procher a nostre.

E voloms auci qe en chescun Counté, soient Justices assignez a conustre en (34) les choses ke nous les demanderoms par nos (35) lettres patentes (36) de petites assises e

(24) as comandemenz de nous [A]. (25) les chapitres [C.]

(26) E estre voloms qe a nostre Escheker a Westmuster e aillors, eyent The-saurers e nos Barons illoeques, jurisdiction e record des choses qe touchent lour office. [A.]

(27) comunement [A]. (28) enroulement [A] [C].

(29) E al escheker eient nos Baruns poer a oier e terminer totes les causes, &c. [A].

(30) Westmoustier ou ayllours, omitted [870]. (31) tretez [3937].

(32) seurement [5134]. (33) ou realles [A].

(34) en lour causes [5134]. (35) brefs [5134].

(36) E de petites assises e de autres choses voloms queux eient record [870].

des autres choses (37) dount nous voloms qe ens eyent leur record.

E Justices seynt ordinez en chescun Counté a deliverer les gayoles (38) chescune simayne une foitz, tannit cum il troevent a fere, e qe il eyent ausi record des paroles dedutes devaunt eux, e en lour Jugemens.

E tut eoms graunte a nos Justices de porter record des pleez pledeeze devaunt eux, pur ceo ne voloms mye qe leur record lour seient garaunt en lour tortz demeyne, ne ke eux pussent lour roules rere, ne amender, ne encontre le (39) roulement recorder.

Cap. II.—*De poer des Justices.*

E voloms ke le poer de nos Justices (40) seit limité en ceste manere, (41) ke il ne passent mye les pointz de nos brefs, ne des presentemens de Jurours, ne des pleintes a eux fetes; sauve ceo qe ils eyent la conissaunce des garaantz vouchez et des autres (42) choses incidentes, (43) saunz les queus les originaus causes ne pourrout pas estre determinez. E (44) defendoms generaument a touz,

(37) si voilloms nous qil portent record [5134].

(38) chesqune semeine pledable [A] [C]. chescun an une soyz, tannit come ils ont a fere. [870.]

(39) enroulement [A] [C].

(40) seyt issi limité qils ne passent, &c. [870].

(41) qil ne puissent mie les pointz de nos brefs reverser, [3937].

(42) choses omitted [870].

(43) sanz les queles originales causes ne pount, &c. [A].

(44) E a touz defendouns qe nul neit power demaunder faux juggement de nos Justices, qe siwent en nostre Court, qi a ceo sount par nous entitlez; sauve nous memes en nostre Conceil: qar ceo reservoms especialment a nostre jurisdiction.—[870].

E defendoms nous generalment a tous, qe nuly eit poer de amender nuly faus jugement de nos Justices, sauntz les Justices qe suent nous en nostre Court, qe a ceo sount de par nous entiles; ou nous meismes; ou nostre Conseil: qar ceo reservoms nous especialment a nostre Jurisdiction [C].

E defendoms, generalment a touz, qe nuly neit poer a demander riens de nuli, sauntz juggement de nos Justices; sauve les Justices qe suent nostre

ke nul ne eyt poer de amender nul faus jugement de nos Justices, sauve les Justices ke suent nous e nostre Court, ke a ceo sount attitle; ou nous mesmes od nostre Counseil: car ceo reservoms nous especiaument a nostre Jurisdictioun.

E defendoms a touz nos Corouners e Justices e a touz autres a ki nous avoms doné auctorite de (45) record, ke nul (46)sauve noster Seneschal et nos Justices de Irlaund e de Cestre, mette autre en son leu sanz nous pur rien faire (47)dunt il memes deyt faire record. (48) E si rien seyt fait devaunt tieux substituz, voloms nous ke soyt vene, e de nule force, tut en seyt de abjuracioun ou de utlagerie.

E voloms auxi ke en Countez, e Hundrez, e en Court de chescun frank home,(49) seient Courts tenues par les Court, qe a ceo sount par nous entitlez; ou nous mesmes ; e od [ou 3937] nostre Conseil: qar ceo reserveroms especialment a nostre Jurisdiction. [A] [489] [3937].

Et defendoms generalment, a touz qe nul poer ne eyt a tenyr ples de faux juggement si noun nos Justices qui nous suyent en nostre Court, et qui a ceo sount atyle par nous ; ou nous meismes ; ou nostre Conseil : qar ceo reservoms nous especialment a nostre Jurisdiction [5134].

E defendoms generalment a touz, qe nul ne eit poer de amender rien de nuly faus juggement de nos Justices ; sauve a les Justices qui suent nostre Court qui a ceo sunt entitle ; od nous memes e a nostre Counseil : Car ceo reserveroums a nostre Jurisdiction [529].

E defendoms generalment qe nul hom ne eyt power de amender nul faus jugement de nos Justices ; sauve les Justices qui nous sivent en nostre Court qe a coe sunt de par nous entitlez ; ou nous mesmes ; ou nostre Counsail : qar coe reservoms nous especialment a nostre Jurisdiccioun [D].

(45) recorder [870]. (46) saunz [C].

(47) dount il deyt memes porter record [C].

(48) Et si rien seyt fait devaunt tieux substitutz, voloms nous qe ceo soyt de nule force, tut seyt ceo de abjuracioun ou de utlagerie [D].

E si rien soit fait devaunt tieux substitutz voilloms qil soit veyne e de nul force, tout soit ceo en cas de abjuracion ou de utlagerie [5134].

E si rien seit fait, seit veine e de nul value, fors si ceo seit abjuracion ou utlagerie [529].

E si rien seit fait devant tieux substitutz voloms nous qe ceo seit veine e de nul value, a si ce ne seyt de abjuracion ou de utlagerie [A] [489]. a sil ne seyt, 3937.

(49) " fraunk tenant," [C] [324, 5134,] fraunk homme tenaunt. [D]

suters, e ausi en Citez, e en Bourgs, e en fraunchises, e en tours des Viscountes, en veue de francplegez,(50) e en autres Courts.

Cap. III.—*Des Corouners.*(51)

E PUR ceo qe nous voloms qe Corouners seient en chescun Conté principaus gardeyns de nostre pees, a porter record(52) de pleez de nostre Coroune, e(53) de lour veues e de abjuraciouns e de utlagerie, voloms qil seynt esluz solom ceo ke il est contenu en(54) nostre estatut de lour electiou.

E com il serrunt esluz, voloms(55) qe en pleyn Counté facent le serment devaunt le Viscounte, ke eux leaument e saunz lower demander, ferrount lour enquestez, e les enroulements, e quant ke al office de Corouner appent.

E voloms ke(56) cum nule felonie ou mesaventure soit avenue, ou qe tresor seyt trové de south terre mauveisement muscé, ou de raap de femme, ou de(57) brisure de nostre prisoun, ou de home naufré pres a la mort, ou de (58) autre aventure avenue, ke le Corouner hastivement si tost com il le(59) savera, mande al Visconte e al baillif del leu, ke a certeyn jour face venir devaunt luy al leu ou le aventure serra avenue, les quatre villes procheines, e autres si mester soyt,(60) par les queus il purra enquere la verité del aventure.

(61) Et com il serra venu, face jorer les villes sour seyntz

(50) e en autres Courts, *omitted* [A] [C].

(51) De poer de Justices ou de Coroner, Cap. II. [529].

(52) des plez pledez [529]. (53) de lour vewes de abjuracions [870].

(54) nos estatutz, [A] [870]. (55) e ordeynoms [5134].

(56) qe si nulle [C]. (57) burgosure [A].

(58) autres, *omitted* [A]. ou de autre aventure, qe a plus tost come le Coroner le savera maunde, &c. [870].

(59) avera aparceu [5134].

(60) par les queux il purra enquere laventure avenue [870].

(61) E com ils serrount venuz face jorer les villes sur seintz qils verite dirouint des articles qil lour demandera de par nous en tiel cas. E à tourn de Viscounte, &c. [870].

qe il verité dirrount des articles ke il dirra e lour demandera de par nous.

E en tieu cas, e en tours de Viscountes, e (62) a veue de francplege, e en office de nos Eschetours, e en presence de nous (63) ou devaunt nostre Seneschal, e en eyre de nos Justices, voloms nous ke gentz joergent, (64) tut ne veyent il mye nostre bref.

E puis (65) voete le Corouner (66)e les Jurez od ly ver le cors, e les playes, e les coups, (67)e si asqun eit esté estraunglé ou eschaudé, ou par autre peyne a mort liveré, e tantost apres cele veue, seyent teus cors enterrez. E si le Corouner trouve teux cors enterrez avaunt cele veue fete, si face enrouler. (68) Mais le Corouner jalemeyns ne lesse qe il ne face(69) deffower les cors e les ver aperte-ment de villes.

(70) E ceux qui averount este somouns, et ne vendrount a tieles enquestes de Corouner, voloms nous qil seyent en nostre mercy a la venue de nos Justices as premeres assizes en cel Counté, si teus defautes trouvent entrez en roules de Corouner; issi ke nos Corouners, ne nos Eschetours, ne simple enquestes ou Enquerours, ne eyent pouer de nully amercier pur nul defaute.

E com le Corouner avera suffisaunt gentz par les queus il purra celes enquestes faire, (71) si enquerge tut au commencement si tiel homme fust occis par felonie ou par mesaventure. E si par felonie; le quel la felonie fust fete,

(62) as vewes de frankplegges [C]. (63) ou, omitted [A] [C].

(64) tut ne vient nostre bref [C] [489]. Tut ne eient il nostre brefs [5134].

(65) auge [C].

(66) ove les Jurez [C].

(67) e si ascun lui eyt estraungle, &c. [5134].

(68) e jalemeyns ne lesse il, &c. [870].

(69) e face venir les villez [5134].

(70) E ceux qui ont este somouns e ne voudrent as telles enquestes du Coronner venir, voilloms qil soient en la mercye a la venue de noz Justices a la primere assise, &c. [5134].

E ceux qui sount somouns e ne viegnent, &c. [870].

(71) Enquerge primes si, &c. [870].

dedenz mesun ou dehors, e si a taverne, ou a lute, ou a autre assemblé.

E (72) puis seit enquis les queux furent au fet, grauntz e (73) petits, madles e femeles, e ki sount coupables del fet, e qi del eide e de la force, e del comandement, ou del consentement, ou del recettement de teus felouns a escient.

[*Fragment of an ancient Law Treatise.*--Dugdale (74) enumerates in his catalogue of early Law Writers and Law Books, *Tractatus imperfectus de Legibus Angliae, scriptus tempore Henrici Primi, Anglorum Regis: divisus in quatuor Libros; quorum Primus continet Leges Anglicas in Latinum translatas: Secundus habet quædam scripta (ut inquit author) temporis nostri necessaria: Tertius est de statu et agendis causarum: Quartus est de furto et partibus ejus.* The MS. to which Dugdale refers is preserved in the Cottonian Library (*Domit. A. viii.*), and is as ancient as the early part of the 13th century. It contains only the Preface and a part of the First Book, the *Leges Anglicas in Latinum translatas*, being a version of the Laws of Canute, lately published (75) by Professor Kolderup-Rosenvinge of Copenhagen, from a MS. in the Royal Library at Paris, (76) collated with a MS. in the Harleian Collection (No. 746), as well as with two Cottonian MSS. (*Domit. A. viii. Claud. D. ii.*) The Cottonian *Codex* (*Domit. A. viii.*) is the only one of these Manuscripts, that contains the Preface printed in the succeeding pages. (77) Unfortunately none of the

(72) Puis soit enquis qi furent al fait, graunt e petit, madles e femeles, e qi sount coupables del fait, e qi de aide ou de force, comaundement contentement, ou del receptement des felouns a lour escient [870, 5134].

(73) ou [A].

(74) [*Origines Judiciales*, p. 56.]

(75) [*Legum Regis Canuti Magni quas Anglis olim dedit Versio Antiqua Latina.*]

(76) [*Cod. Colbert. 3860. Cod. Reg. 4771.*]

(77) [The following is the Introduction to the *Codex Colbertinus*:—“Quo-

manuscripts contain any portion of the second, third, or fourth books. The discovery of the book *de statu et agendis causarum* could not fail to throw great light on our judicial procedure at the darkest period of its history.(78)]

[*MS. Cott. Domit. A. VIII.*]

In specie fictæ simulationis, sicut reliquæ virtutes, amoriam apud antiquos, ut auctoritate priorum didicimus, Anglia multorum regum fulta erat presidio, singulis regibus singulis regionibus presidentibus, diversis etiam legalium consuetudinibus utebantur, que quidem sub paucitate vel unitate regimini per diversas regiones diverse permanserunt, unde et plebeie usque in bodiernum diem permanserunt, et immutate perduraverunt. Postquam autem Cnutum, Regem justissimum, totam Angliam obtinere contigit, rationabili consideratione decreuit, quatinus sicut uno rege, ita et una lege universum Anglie regnum regeretur. Convocato itaque comitum procerumque nec non et cetero nobilitatis sapientieque totius Anglie concilio, satagebat communi decreto, ut, in quantum humana ratio valuit, ea, que justa fuerant, stabiliret, que autem in parte oberraverant, corrigeret, ea vero, que omnino a rectitudinis tramite deniauerant, extirparet penitusque eradicare. Quia vero omne jus ad eum referendum est, a quo omnis justitia, quippe qui docet hominem scientiam, divinaque humanis præponenda sunt, ecclesiastice vero institutiones sinodorumque conuentus apud Anglos inusitati adhuc fuerant, ne quis ordo in regno suo titubaret, primum de ecclesiastico, deinde de seculari jure, tractare incepit, sic dicens," &c.—Kolderup-Rosenvinge, pp. 1, 2.]

(78) [The following extract from a letter written by M. Champollion-Figeac, will show the result of an inspection of the Colbert MS. which he was lately so obliging as to make at the Compiler's request:—

" Post Leges Cnuti editas exstant in eodem Codice,

fo. 35. *Emendationes Legis quas Willelmus fecit in Anglia.*

fo. 36. } *Leges Eduardi quas Willelmus postea confirmavit in Anglia.*
63. } * *Chronico breve Ducum Normannorum.*

" La note qui est en tête de ma lettre vous indiquera tout le contenu du *Codex Colbertinus* que vous connaissez: elle vous confirmera aussi que ce MS. ne contient ni les *quædam Scripta*, &c. ni le traité de *statu et agendis causarum*, mentionnés à la fin de la préface Latine que vous voulez bien me communiquer. (Cette préface n'y est pas non plus.) J'ai l'honneur de vous le renvoyer, regrettant que vous ne puissiez pas me le laisser quelque temps afin de vérifier si elle ne se trouverait pas dans quelqu'autre volume de *Mélanges Judiciaires*. Je ne perdrai pas de vue pour cela le sujet de vos recherches, je m'y associe avec empressement, et je me ferai un plaisir de vous faire part de mes résultats."]

esse non potest, qui cum hodiernæ malignitatis excessibus continua perstrepentium turbinum grassatione pulsetur, ita nullis adversitatum livoribus obatrescit, ut amicorum casibus etiam singulis informetur. Hæc ipse mecum reputans, unice tibi quasi cordi meo loquor, absonum et enervem meæ rusticitatis sermonem non erubescens: dum tuæ parream voluntati. Cui me diutius debitorem, ingenii mei diffidentia, sollicitudo plurima, nec ubique completiva desideria reddiderunt. Vereor tamen, ne dum tuæ circa nos benevolentiae gratiosos esse desidero, ridiculos inveniar, ut tuam quoque spectet injuriam. Opus enim quod tuis exhortationibus et inconsulta fateor pollicitatione suscepi, majus est, et crebresentium quotidie malorum innovatione profusum exaggerationibus, permutationibus, permixturis, ex oppositis, ex adjunctis, rerum circumstantiis, contingentium modis. Ipsa quippe vitia, tanta virtutibus affinitate conjuncta sunt, ut tarda sit in eis disserendi, judicandi, vel assentiendi nota. Vitia quoque plura sunt virtutibus: Unum enim virtuti duo vitia solent opponi, quod aperte scilicet est contrarium, et quod specie similitudinis obumbratum. Aliquando etiam vitium vitio tollitur. Aliquando plura paucioribus vel pauciora pluribus alternis substitutionibus obsequuntur. Quapropter cum de vitiis quæritur utrum se simul abdicent aut sequantur, laboriosum est in eis ostendere quod planum est in virtutibus, quo enim una virtus ingressa fuerit, profecto secum ceteras dicit, tanta singularitate sine contrarietatis admixtione connexas, ut qui offendit in una, factus sit omnium reus. Virtus etiam diffinita est. Scientia perceptibilis, naturæ consentanea. Infinitum vero malitiæ dedecus, et a summa defectus essentia, nec sub alternali generatione producitur, nec certa multitudinis fine concluditur. Omne enim quod est, idcirco est quia unum est. Unde quoniam a primis rerum natalibus, nobilitas in homine cursum unum vitæ servare non potuit, ad sempiterna pœnarum incendia, cogentibus

motibus aberravit. Hinc regnorum cupiditatibus, malitiæ detestanda crevit improbitas. Hinc cæcatis mentibus, et malignis indignationibus agitata, res aliorum tollere lachrymosa mortalium calamitas usurpavit. Mox procedente tempore pervagata licentia, cuncta flagitorum genera, cuncta mali discrimina plena concretione redundarunt. Tunc avaritiæ stridulum murmur, et habendi prava sitis inhorruit. Tunc luxuriæ dissolventis sordidiora genera. Tunc promiscuæ libidines, et incesta mollities. Tunc semiulci puerorum suavii, et quæ mulieres pati miseræ libidinis coguntur incendiis, et O tanta criminum reticenda flagitia, præposteris passionum incentivis abundarunt! Multi quoque ad diem hanc ex inquis procreati, diris profanationibus adjecerunt, et tantæ crudelitatis atroci feritate multiplicant, ut O malorum multitudine pariter ac magnitudine, conquerendo, condolendo, proclaimemus! Hii sane religionem esse sibilant, quicquid præcedentia malorum magisteria potuerunt. Feliora fuisse tempora, nec tantis egena plusculis, perniciosa curiositate circumferunt, tanquam tempus quod est distensio quædam anni, quæ per attentionem præsentium, per memoriam præteriorum, per expectationem futurorum distinguitur, puram beneficiendi voluntatem impedit, et non magis pravis moribus imputandum, quicquid a Deo per inobedientiam et dissimilitudinem prævaricationis alienat, suggestione, delectatione, consensu, sine octo principalibus vitiis, quæ sunt gastrimargia, id est ventris ingluvies, fornicatio, tristitia, vana gloria, invidia, ira, superbia, principium iræ Dei, malorum radix, et antiqua nostri generis inimica, quæ cum nunquam appetat quod convenit, nunquam videt quod expedit. Patere me nostræ desperationis, et sæpe mecum succendæ præsumptionis incommoda propensius intimare. Plenus est mundus ærumpnosis lachrymis et pressuris, et nemo considerat, nec est qui dolorem suum verbis aut lamentationibus prodat. Perfidi, perjuri, ma-

litiosi, malivoli, totis nocendi desideriis æstuantes, qui semper alienis casibus gaudent, et maxime notas occultis odiis persequuntur, qui sane propriam habent malitiæ prærogativam, bonis nunquam morigeri, et quorum facinus per dies singulos ad deteriora festinat, obscura taciturnitate suspecti, sacrilegi, rapaces, adulteri, meritorum sæpius infamatione pulsati. Qui dulcibus veneris, et voluptatum miseris torquentur illecebris. Qui nefandum libidinum cupiditatibus inflammantur, et qui turpi puerorum coitu pallent. Qui meretriciis actibus ad omnium fœditates exponuntur, et alieni juris illicitos invadunt amplexus. Qui se lepidis affectationibus universant. Qui dissolutos modulationibus inhiant. Qui vera morum generositate carentes et honesta prosapia, longo nummorum stemmate gloriantur. Epicuri qui multorum facultates una lance consummunt. Effeminati, quibus semper mulieres ingratæ sunt. Qui cucullorum deformitate grandescunt. Qui vetitum pecuniæ fœnus exercent. Qui venundanti sunt ut maleficiant, et qui dampna publica malis amplioribus aggravant. Qui tertianæ remedia quærunt. Qui scurrarum gremiis a cunabulis adoleverint, et multarum libidinum sordibus implicantur, et infiniti valitudinum concursus hujusmodi, virtutum omnium veneranda præsidia, variis infortuniorum concitationibus oppresserunt. Transierunt in affectum cordis, justitia, fortitudo, providentia, temperantia; vana vulgi commenta sunt: et O quanta malignatus est inimicus in sancto, vitiorum omnium fœditate deformes, dum pecuniam habeant, quantacunque probitatis gratia sublimitatis, in honoris petitione prælati sunt! Sobrii mores, et divinæ atque immortalis substantiæ veritas, et beata semper innocentiae palma, scientiæ nobilitas et eloquentiæ splendor, et affuentes æternæ felicitates (86) ornatus, probra sunt habentibus, si dampnatum eis paupertatis onus incumbat. Nulla divinæ miserationis opera: nulla malorum flagella respiciunt. Ubi sunt qui dicuntur de supremo

(86) Sic.

singulorum exitu judicare? Videmus bonorum duros exitus, nocentium felices. Ubi sunt qui dicebant peccata mundi per dies singulos diis ultricibus nuntiari? Humano sumus et divino judicio propemodum destituti. Pæne effusi sunt gressus mei. Addo præterea malignum prorsus invidiæ livorem, et detractorum vel id genus sordium detestandam consuetudinem, quo se miserarum omnium flebiles casus, indefessis continuationibus transferant, et totius infelicitatis onere cunctaque dampnationis animadversione graventur, qui suam laudem existimant si alios vituperent, qui contradicendi studio quasi volutabrum luti motum, factore gravissimo vicina quæque corruptunt, et pravis distractionum odiis superaccensi sunt, tanquam aliquos assiduis infamare rumoribus regali majestate perpetuet, seu consularium fascium decernat insignia. Si conspiciant aliquos sibi vacantes a conversatione publici strepitus et illecebrarum labe suppositos, qui liberalem paupertatem servilibus audeant intermundiciis excusare, vitam illorum reputant insaniam, et quorum finem gravis infelicitas laboriosis actibus et multiplici semper angustiarum genere conficiat. Si respiciant alios aurea deliciarum mediocritate proiectos, qui lautiorem vitam sequi vel aliquos dignitatis gradus, et idonea promotionis augmenta non abhorreant, et magis prodesse gaudeant, et aliquid audeant inter homines inventiri, hos infamiae denotatione polluant, et æternis cruciatus deputare præjudicant, tanquam dives Deus famulos divites habere non possit, si tantum eos appetat qui lucatu(87) et miseriis perditam vitam turpi mendicitate sustentent, et qui quotidianæ necessitatis alimenta laboriosis fatigationibus semper exquirant. Nec digna consideratione mirantur, quod humanum paucis vivit genus, nec omnis voluptas aut divitiarum gloria, mox ipso nomine fit infamis; sed potius utendi modo sustinenda vel arguenda sapientum judicio temperatur. Et in omni natione, conditione et ordine, qui timet Deum et operatur justitiam acceptus est illi, sive

(87) Sic.

parentibus infimis inferiori posteritate tabescat, et inquālidæ (88) paupertatis incommoditate mendicet, ut ad vitæ subsidia, præsidia semper aliena desideret, seu proavorum inclita majestate celebretur, et ipse publico bonitatis præconio decoratus, crebis honorum promotionibus late resplendeat. Vereor itaque futura de te judicia, dum metalia professorum manus impuræ convenient, et ad singula conclamabunt, Hoc ineptum est, hoc invalidum, vel quicquid ad egerendam diræ mentis suæ vetulantiam ledoriæ vel scommatum, verbis aut motibus occurrerit intempestum: iniqui enim sunt et malo digni judices, qui de incognitis rebus judicare festinant, et personarum nomina, magis quererum merita prosequuntur: qui severi censores et objurgatores quorumlibet fiunt, priusquam utriusque partis negotia didicerint, et communiter vel partiliter electi sint sive constituti judices super illas. Expectanda videbatur saltem bonæ voluntatis impunitas. Exigere decreveram gratiarum actiones, et invectio[n]es redeunt. O invectio[n]es! O homines! O tempora in quibus omnia præpostoris naturæ legibus eversa conspicimus! Inde sum fateor de rustico causidicus, et pæne jam satyricus formidolosa tarditate præcurro. Occupet extremum scabies, nuperne reponam? Insanire jubet. Facit indignatio versum. Nec jam vereor indignantis animi turbidis seditionibus Eusebio sociari, sub opere multiplici, quod intendit omnibus poenam vitiis, præmium virtutibus, et tanto difficiliores consummatæ diligentiae reddit accessus, quanto pravis cupiditatibus, fomentisque disparibus rerum veritas oppugnatur: quot negotiis, tot sententiis, et errore dubiis altercationibus infirmata. Genera causarum tria fuerant. Deliberativum, cuius modus duplex est, suasio et dissuasio. Suasio tripliciter dividitur: honesto, utili, possibili, in quo plus valent spes et metus. Demonstrativum habebat duas species, laudem et vituperationem, quorum ordo trifariam distinguitur; præsentibus, preteritis et futuris. Tertium erat judiciale, in quo de ipsius

facti poena vel præmio, sententia promulgatur. Status causarum duo: rationalis et legalis: de rationali oriuntur conjectura, finis, qualitas, translatio: de fine, judicialis et negotialis: de judiciali, absoluta et assumptiva: de assumptiva extrinseca, concessio pœnitentium, remotio criminis in ante promeritum, comparatio, purgatio concessiva, et excusativa, quæ tres partes habent, imprudentiam, casum, necessitatem. Ex legali statu oriebantur scriptum et voluntas, legis contrariæ discrepantia, ambiguitatum pluralitas, collectio vel rationatio. Partes causarum quatuor: species quinque dicebantur: sed quod secundum antiquam rethorum diligentiam longa temporum observantia floruit, modernorum versutia sæviens enervavit. Miseram pecuniæ stipem, pauperum lachrymis et anxietatibus cruentatam, omni veritatis et justitiæ sanctioni mentes perditæ præficerunt, et id solum sapientiam reputant, quod eis optatum pecuniæ fœnus quibuscumque machinationibus insusurrat. Novum declamationis genus, deliberando, demonstrando, judicando, subortum est. Status causarum varios, rationale vel legale supergressos, mechanicum multiforme non caperet. Et tanto remedium super hiis salutare diffidimus, quanto semper, gravioribus graviora succedere circumspicimus. Hæc de nobis adversantibus, pauca de pluribus, et nota bonis omnibus rerum perturbatione libavimus, privatorum et intrinsecus accidentium dispendiis, et quod vere fatendum est, multis desperationibus habundantes. Nobis cor ingratum est, ingenium hebes, et agreste balbutium, quo vel idoneam Ciceronis copiam, vel præcipitem Aristotelis brevitatem, vel Nasonis sobriam siccitatem, vel floridum Statii cultum, vel Virgilianam omnium permixtionem, recte, arguite, ornate, distinguere vel distincta permiscere cognoverim. Amicitiæ tamen confidentis elogio, reddam tibi novellæ plantationis nostræ votiva primordia, quod mihi pretiosius habui, tibique jocundius æstimavi, super ignavia divitiarum pondera, quæ laboris plena sunt et

mœrore finienda. Cujus te dispensationis hortatores secutus, judicem quoque constituo, veniam postulans, ne prius hæc patiaris grandia professorum debacchationibus occupari, quam tuæ nobilitatis et nostræ dilectionis intuitu, superflua reseces, errata castiges, impleta confirmes, ut pax sit diligentibus legem tuam, et non sit offendiculum.

[MS. Cott. Domit. A. viii. Coll. cum MS. Holkham, 228.]

(79) *Argumentum hujus operis.* (80)

Leges quas dicunt Eadwardi regis, ex (81) Cnudi primum institutione diductas esse, sicut ab antiquis accepimus, compendiosa posteris brevitate transcurrimus. Cnudus iste Daciæ simul et Norwegiæ princeps, cum regnum etiam Angliæ suis laudibus adjecisset, non se (82) ei tyrannum aut portentorum aliquid exhibere voluit, sed beata mentis placiditate, diram cupiditatis et malorum fœditatem continentiae salutaris gratia mitigavit, tanto sibi subditos ampliori dilectione celebrans, quanto eos in patriæ defensionibus præsenserat aciores. Communi denique commodo providus et saluti, omnem regnum ejus sapientiam, meritorum potius quam personarum æstimatione, quanta potuit sollicitudine congregare curavit, memorabilem cum eis synodum in sæcula succesiva profuturam Deo grata consideratione diffiniens. Generaliter ac principaliter in universis (83) quæ ad sanctam matrem nostram ecclesiam pertinere videbantur. Secundo loco, de statu et agendis regni ejus, in opprimendis vitiis et augendis virtutibus, quicquid diligens sapientum indagatio valuit perscrutari. Habitum autem est, et omnium comprobatione signatum sanctum hoc (84) et venerabile comitium ad laudem et gloriam Dei, congregatis apud Wintoniam totius Angliæ, Datiaæ primatibus, in Natali Domini. Cui tantum ab

(79) Prologus ejus authoris qui transtulit. *Holkham.*

(80) [The ensuing portion of the fragment has been printed by Kolderup Rosenvinge, in his Introduction, with explanatory notes.]

(81) Cnuthi *H.*

(82) *in rasura H.*

(83) qui *H.*

(84) *in H.*

omnibus observantiæ studium in impensum (85)est, ut si quis hoc tertia temeritate perverteret, communi decreto patriæ, reus esset omnium quæ haberet. Omnibus itaque solemniter ac salubriter institis, ut purgandis animi vitiis, non impune gentibus cruciandis, pax quæsita videretur, tantis se gaudiorum voluptatibus et tantis Cnudus subtraxit illecebris, Romamque celebris peregrinus advenit, æternumque sibi nomen per sæcula fecit. Ubi quanta in omnibus benignitate claruit, quantum ibi genti nostræ principatum meruit, recentum semper exemplorum continuis allegationibus habundamus. Inde copiosa laudis ac dilectionis prosecutione reversus, bonorum omnium testimoniis ornatus, felicem per omnia vitam gloriose fine complevit. Et obtinuerunt sibi regnum Angliæ Haroldus et Hardecnudus, digni tanto patre filii, miram paternæ dulcedinis flagrantiam circumquaque redolentes. Quorum sane temporibus ita paternæ libertatis amplioris incrementa sentiret. Tandem revocato Eadwardo Athelredi regis filio, mediante Alwino Wintoniensi episcopo, et Godwino comite, convocatis apud Hurteshevet totius Angliæ baronibus, ita demum in regem suscipiendus auditur, si eis Cnudi leges et filiorum ejus inconvulsa stabilitate suo tempore mansuras, juramenti satisfactione sanciret. Hic vero felicibus sublimatus auspiciis, magno veritatis et justitiae documento rex imperium, et quicquid in humanis hodie malum videtur ac miserum, fortiori felicitatis evertit augmento. Sic ad omnia virtutum ornamenta compositus, ut, quod mirum est, communi omnium voto regnaret. Hinc sunt illæ leges, illa pacis foedera, quo semper Angligenarum corda suspirant, et modis optant omnibus quicquid suspecta dominorum commenta novitent, et raro boni completa promissio. (86) Crebris namque virtutum naufragiis, et abundantia scelerum saginata licentia, tantis calamitatibus ac molestiis improbitatibus mundus atteritur, ut rupto

veritatis instinctu, fieri conqueratur. Immo omnium animis, metu et miseriis certa trepidatione confusis, diram fallendi sedulitatem superintemperat, si quid et salubri pietatis recordatione præparetur. Pæne dixerim omnes gratia veritatis exoletos, velut eam pariter sacrilega condempnatione proscripserint, et simplum fraudis exactum, triplis bene meritorum exhibitionibus præferant. Et quia nunc pessimis corruptelis vivitur, profecto furendis legibus opus est, et ex malis moribus bonas leges procreari. Quicquid corpus et animum frequentioribus miseriis concutit, quicquid auditionis malæ gemitus et popularis invidiæ adnectit, perquisitus honoratur. Regis tamen et Normannorum ducis, Augusti domini nostri Cæsaris Henrici, magni Willelmi filii, serena tempora, fatigatis jam nobis et pæne defientibus, pacis ac felicitatis antiqua notitia gaudia reduxerunt. Qui libertatem ecclesiæ, securitatem patriæ, prætium virtutibus, gratiam laboribus, gaudia mœrentibus, suffragia poscentibus, pia miseratione respexit. Qui Gallorum levitatem, Normannorum pugnas, Britannorum furias, Cenomannensium jactantiam, Flandrensium vanitatem, Teutonicorum majestatem, Ponteu perfidiam, Andegavis perjuria, Pictavorum ludicra; qui Danorum minas, Hyberniæ barbariem, qui multorum lacescentes triumphavit, ineptas et rapinas abstulit. Quique diu miseram redemptionis nostræ stipem cum gaudio receperant, tributa nobis tributorum multorum multiplicato fœnore reddiderunt. Quique nostro sæpius accrocitarant funeri, carcerum tædiis et miseria senuerunt. Quid Rodberti fratris ejus infausta navigia, quid Roberti de Belesmo præsumpta rebellia, quid audacis Moritolii famosa molima, quid tot virorum principum timenda subsidia, quid incendia Baiocarum, Cadumi nequitiam, Falesii constantiam, Divensium cruciatus, Rothomagi concordiam, quid paucorum veritatem, quid multorum pravitatem, quid O fraternas acies decertasse commemorem? Si bellorum casus, proditorum dolos,

temptationes exteris, domesticorum insidias, si triumphata saepius incommoda, si celebranda virtutum præconia, si multas persequentium turbinum legiones perpessas accumulem, tædium legentibus, vel tanti regis laudibus detrimenta vereor induxisse. Hunc hospitem sine dampno suscipimus. Nunc veltranorum monstra, falconum circinia, decurionum torcias, et nebulonum furias, et infinita malorum discrimina, Dei miseratione, mansura securitate non timemus. Hic molestias et multiplices potentum injurias, famosi quondam senatus exhibitione terminamus. Hujus pacem et justitiam sedis gravionum improbitatibus et malis utinam necessitatibus sine prætio subrogamus. Et pristino licet imperio rebellia cuncta subegerit, et quod vere magnum est, pace solidaverit, nullum mentis miseræ virus inhorruit, sed favore propriæ majestatis, et Deo gratæ conjugis admonitione, multaque consiliorum ratione firmatus, dulci morum facultate super omnia meruit honoriari. Quem licet ad summæ laudis cumulum, gloria provehant exempla natalium, tanto tamen singulos singulari meritorum prærogativa præcedit, ut ejus legem deinceps infinitis sæculorum decursibus, posterorum posteri publica satisfactione requirant. Qui non solum lagam regis Edwardi nobis reddidit, quam omni gaudiorum delectatione suscepimus, sed beati patris ejus emendationibus roboratam propriis institutionibus honestavit in omnibus quæ Dei sunt et vitæ vel virtutis, et quæ per arentes rivulos probitatis fluvia passim diducta sunt, hic in unum bonitatis alveum redundare videamus. Ubi prolis inclitæ generosæ propagines, umbram fessis, potumque sitientibus grata perpetuate conciliant. Et si tantis dicendorum copiis non aspirem, tamen bonæ voluntatis affectum monstrare disposui, memor Sydonianum salvatorem Jovi quondam placuisse. Hujus igitur operis primum librum transtuli, secundum collegi, et amplius evagatus, quarundam causarum necessaria capitula quotidianis decertationibus apta

subjunxi. Quod in quinque libellorum diasalmate titulavi, sicut antiqua patrum disciplina prædocuit, vel sicut nova modernorum sollertia castigavit.

[*MS. Domit. A. VIII. Coll. cum MSS. Bib. Reg. II. B. II. (R.) Holkham, 228. (H.) Claud. D. II. (C.)*]

Primus liber continet leges Anglicas in Latinum translatas. Secundus habet quædam scripta temporis nostri necessaria. Tertius est de statu et agendis causarum. Quartus est de furto et partibus ejus.

Hæc sunt instituta Cnudi Regis Anglorum, Danorum, (88) Norwagarum, venerando sapientum ejus consilio ad laudem et gloriam Dei, et suam regalitatem et commune (89) commodum habita, in sancto Natali Domini apud Wintoniam, diligenter ac fideliter (90) in Latinum (91) translata, compendiosa brevitate (92) cum simplicitate lucida, velut suis astericis illustrata. (93) Unde quantam rerum et verborum affinitatem, (94) paucorum adjectione vel (95) omissione curaverim, facile sobrius lector (96) agnoscat. Sequuntur et aliorum jura regum plurimorum, de quibus teneri liceat quicquid ista contemplatione non discrepat. (97)

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(88) Suueorum *C. add.*

(89) regni *C. add.*

(90) ex *Anglico C. add.*

(91) *deest C.*

(92) quantæ decuit simplicitate translata, quadam Latinitatis elegantia velut quibusdam afficis (*al. astericis*) et obelis super *Anglicum* illustrata *C.*

(93) In quo *C.*

(94) vel indemnitatem *C. add.*

(95) commissione *C.*

(96) agnosces *C.*

(97) [It must not be supposed that this fragment is printed as an example of the interesting juridical materials in which our archives abound. The object of the publication of the foregoing mutilated piece is, to excite inquiry after the three lost books of the treatise, which, it is not improbable, lie hid in the unexplored recesses of some of our numerous public and private repositories. It has been collated with the original manuscript, and it is almost unnecessary to state that no attempt has been made at conjectural emendations. No one, who takes the trouble of the perusal, will, it is apprehended, be much inclined to dispute the fitness of applying to the entire Preface Kolderup Rosenvinge's remark upon the small portion comprised in his work, "Intellectu interdum admodum difficilis, nonnullis locis inextricabilis."

ADDENDA.

*Parliamentary Records, &c.—Transcripts of the Rolls, &c.
were made by Yelverton, Hale, Petyt, &c. Page 1. (See
also pages 18 & 27.)*

“ WITH regard to MS. collections of Transcripts and Extracts from the Records, from the time of Elizabeth, they are so numerous in every public library, that a mere list would fill a considerable space. The most considerable, made by individuals, are certainly those of Dodsworth in the Bodleian, and of Dugdale. There are a great number in Lincoln’s Inn, among Justice Hale’s MSS. Sir Thomas Phillipps possesses a complete abstract of the Close Rolls, so far as regards property, made by Richard Grafton, the antiquary. Complete transcripts of the *Cartæ Antiquæ* are among Sir Simon D’Ewes’ Collections, and in Lincoln’s Inn. Among the Wolley Collections, in the British Museum, there is a large abstract of the documents in the Roll’s Chapel relative to Derbyshire, and among Halsted’s, a complete abstract of the Pipe Rolls for Kent. In the Lansdowne Library is a very large series of extracts and copies made for, or acquired by, Henry Powle, formerly Master of the Rolls. The Museum also possesses considerable collections, by Prynne, Petyt, Le Neve, Philpot, St. George, Sir George Buck, &c. The latter made very copious extracts from Domesday Book, which was certainly always considered more inaccessible than any other record. In the College of Arms are also many volumes of abstracts and copies, by Townshend and others, of the Inquisitions *post mortem*, Gascon Rolls, &c. In the Inner Temple is a transcript of the Patent Rolls from John to Edw. IV., and there is another among the Lansdowne MSS. Lord Cardigan has in his possession a series of above twenty volumes, filled with copies and abstracts made by an ancestor

of his when confined in the Tower in the time of Charles the First, &c."—*MS. Letter.*

[The existence of such numerous transcripts and abstracts of the Records made during the course of the 16th and 17th centuries by private individuals, for their own use, sufficiently proves that in those days the offices were accessible to the antiquarian and historian willing to explore their recesses; and that the guardianship of the sources from which the only correct information respecting the rise and the course of our civil institutions can be derived, was not then entrusted to keepers and clerks privileged to debar all approach to those unwilling to bestow a bribe, which none but the wealthy collector can afford.

Some modification of the system of the offices is probably not far distant; (1) which will once more place them within the pale of our national literature, and unlock their stores for the investigation of the learned. (2) Such a change, it

(1) [The baneful plants, with which the Record offices are overgrown, were sown at the close of the seventeenth century. In 1699 they were already vigorous seedlings. In that year Lord Somers expended no less than £700 in his search for records and precedents to serve as materials for his famous argument in the Banker's Case. (*Tindal, Continuation of Rapin's History of England*, vol. i. p. 405.) But the scale of the present day would convert these hundreds into as many thousands. The existing race of keepers, too, has, it is said, the unexampled merit of compelling the Sovereign to purchase copies of his own Records at the moderate price of their weight in gold.

These remarks, however, are foreign to the immediate purpose with which these pages are printed.]

(2) [Many passages in this compilation prove, that in our days keepers and clerks, the salaried servants of the public, have, from some inexplicable cause, been allowed successfully to resist the attempts of the Record Board to print, and even examine, documents, the publication of which has been recommended by the House of Commons, and enjoined by successive Royal Commissions.

The following Order of Council will show that in former times the government would not supinely have permitted covetous, or envious, keepers, their deputies or clerks, to thwart and baffle a scheme undertaken and prosecuted at the general expense, and for the general benefit.]

[*Copy of original Order of Council for the Encouragement of Sir Edward Deering in the Study of Antiquities.*]

"Whereas the study of antiquities is by good experience said to be very serviceable and useful to the general good of the state and commonwealth; and forasmuch as Sir Edward Deering, Knight and Baronet, is studious in that kind,

has been sometimes said, would be incompatible with the safety of the Records ; but the evils anticipated cannot lead more surely to their destruction than do the existing abuses, and the whole of those evils may be averted by suitable regulations. The Compiler, indeed, is convinced that such a reform would be the surest and cheapest measure, that could be adopted, for the ultimate preservation of the Records. A large portion of the most valuable of our muniments has, since the reign of Elizabeth, mouldered and perished under the eyes of successive careless, avaricious, or ignorant keepers ; and their contents are now known only from the exscripts and abstracts, that we owe to the unimitated zeal, or liberality, of some of the ancient officers. Open the mines of the Record offices to literary men, and there will not be wanting Dodsworths and Cartes, whose diligence, immeasurable by the standard of public and official labour, shall, in less than twenty years, have examined their contents, and separated the dross from the metal : and have transmitted, by means of transcription, or

and that we have good hope and assurance that, by his endeavours therein, he may be the more enabled to promote the publique service, we have for his further encouragement herein, and by theis presents doe will, and commande all you whom it may concerne, that forthwith, upon the sight hereof, you readily shewe unto him all or any records, rolles, registers, or bookees within the several offices, and that you suffer him to take any notes, or transcribe them, which he shall choose, the which searche and transcripts shall by him be made and taken without any fee or fees to be by him paid unto you, or any of you. Thereof fail you not, as you will answer the contrary at your perills. Given at Whitehall this fourthe of Aprill, 1627.

Buckingham.

Montgomery.

Pembroke.

Jul. Cesar.

G. Cant.

Tho. Coventrye, C. R.

Marleburg.

J. L. Worcester.

" To all officers that are keepers of Records within the Tower of London, the cities of London and Westminster, or elsewhere, within the realme of England.

" Provided that Sir Edward Deringe by vertue thereof shall not make searche in anye Record since 1 E. VI., which concerned receipts and issues of his majesty's revenues, within the several offices of Sir Robert Pye, or Sir Edward Wardour, nor shall search the records of attainer of treason and felony in the King's Bench, without leave granted from the Lord Chief Justice, or Mr. Attorney General."—*Archæologia*, vol. viii. pp. 439, 440.

the press, for the use of our remotest descendants, all the materials that can serve to illustrate the antiquities and the general and local history of the country.]

Scutage Rolls—Certificates of Knights' Fees. Page 23.

[SOME inquiries have recently been made after the Scutage Rolls and Certificates of Knights' Fees, supposed to be preserved at the Chapter House; but no such Records can be discovered: and the officers of that establishment have observed, that, if any such existed, it is not probable they would have escaped the observation of the indefatigable Le Neve and Agarde, whose manuscript catalogues contain no notice of any such documents. It is stated to be barely possible that some may lie buried in the mass of unsorted *Miscellanea*; but in the examinations, that have from time to time been made of the contents of this heap, it seems that nothing of any value has been found, and that it principally consists of duplicates of the Records of the Court of Wards and Liveries.]

The early Chirographs of Fines. Pages 23, 80, 81.

[The following account of the early Chirographs of Fines, preserved at the Chapter-House has been recently furnished to the Compiler by order of the Record Commissioners.]

[*From Manuscript Collection.*]

Much curious and interesting information may be collected from the early Fines; they were levied either in the King's Courts at Westminster, or in the Iters before the Justices Itinerant, the great officers of state, the barons, and sometimes before the King himself. The names of most of the nobility, and heads of religious houses possessing lands, appear as parties in these documents; but as it was usual to levy fines upon every species of property, both corporeal and incorporeal, it is impossible in the short period given to draw up this account to point out even the most important heads of information contained in them; some few extracts are however added, which, it is trusted,

will not be considered uninteresting. With respect to the advantage to be derived from printing the above-mentioned Documents, they would tend to throw considerable light on the jurisprudence of the country at this early period, and on the jurisdiction of the ancient Courts, inasmuch as they were not confined, as in later times, to one Court, but were promiscuously levied, *in Curia Domini Regis*; with the history of which Courts they are intimately connected, being frequently referred to and recited in the Rolls of ancient *Placita* of the same date, and of which indeed they form part; a fine itself being a plea. It is therefore humbly submitted, that it would be desirable to print the whole of the Fines in the reigns of [Henry II.] Richard I., and John, they being short and few in number, and there being but little information in existence to illustrate the history of this early period; added to which there is danger of losing that little, as many of the Fines and *Placita* of this date are in a state of decay; but from the reign of Henry III. the progressive increase of Records is so rapid, both as to Fines, ancient *Placita*, and others, that it would perhaps be necessary to print extracts only from them, giving the Document at length in those instances only where any new, or interesting, matter occurs.

FINES.

28 Henry II.—Fine, levied *in Curia Domini Regis*, at Westminster, before R. Bishop of Winchester, and J. Bishop of Norwich, Ranulph de Glanvill, Justice of the Lord the King, the King's Treasurer, and ten barons, therein named. Between the Abbot of Ramesay and Thomas de Tanton, of land belonging to the said Thomas, &c.

28 Henry II.—Fine, levied before the Bishops of Winchester and Ely, and several barons therein named, &c. of a knight's fee, rent, &c.

35 Henry II.—Fine, levied *in Curia Domini Regis, apud Oxford*, before John Bishop of Norwich, Ranulph de Glanvill, the Archdeacon of Colchester, and others therein named. Between William de Curzun, and Jometus the Jew of Norwich, of a messuage in Norwich.

35 Henry II.—Fine, levied at Westminster, before H. Dean of York, and Richard the King's Treasurer, and William Archdeacon of Totefi, the King's *Dapifer* (or steward), and others, between Ralph de Hastings and Ralph de Exon, of one hide and a half of land in Wic. '(3)

(3) [The above-mentioned are the only fines levied in the reign of Henry II. that have been hitherto discovered.]

5 Richard I.—Fine, levied before the Archbishop and Barons, therein named, in the Court of the Lord the King, at Westm., of the lands and homage, &c.

6 Richard I.—Fine, levied before the King's Justices therein named.

4 John.—Fine, before the Justices and others, Barons of the Lord the King.

9 John.—Fine, before the Lord the King himself and his Justices, in the Court of the Lord the King at Worcester.

5 John.—Fine, before the Abbot of Evesham and the Justices Itinerant, upon an assize of *mort d'ancestor*.

16 Henry III.—Fine, before the Justices Itinerant at Huntingdon.

8 Richard I.—Bucks: fine, levied to hold lands free from all services and reliefs.

Richard I.—Bucks: fine, releasing to the plaintiff all services until scutage of 20s. shall be imposed throughout the whole kingdom.

Richard I.—Bucks: the names of the Bishops and Barons appear upon these fines, and the limitations contain much evidence illustrative of pedigree.

3 John.—Bucks: fine, between the Abbot of Woborne, &c., setting out a charter to the Monks at length.

Henry III.—Bucks: between the Burgesses of Wycomb and Alan Basset, levied upon the vexations and injuries which the said Alan had done to the said Burgesses, as they said, against their liberties, which the Burgesses assert they had of the gift of the Lord the King. Alan then grants to the said Burgesses by this fine the whole borough of Wycomb, with the rents, markets, and fairs, and all other things to a free borough belonging, &c., with certain exceptions—To hold at fee-farm—Rendering 30*l.* yearly—Recites a former fine, and saves to the said Alan all reasonable aids, (scutage, &c.) when they shall be levied for the Lord the King. Warranty to acquit said Burgesses of their fee-farm against the Lord the King, and from all foreign service for one knight's fee, due for the said land from said Alan to the said Lord the King. Covenant for a fair to be kept in a certain place, and all usual customs (toll) to be paid, and many liberties and privileges are secured to the Burgesses by this Fine.

12 John.—Bucks: fine levied, passing the Advowson of the Church of Etton, and granting permission to erect and endow a Chapel there, upon condition of not depriving the Mother Church of her tithes, oblations, confessions, bequests, purifications, &c., except on certain feast days therein named, &c. The Vicar of the Church sometimes to officiate in the said Chapel, with other directions for regulating the same.

[A calculation has also been lately made of the number of Fines levied in ten counties, for the reigns of Richard I., John and Henry III., and of the average

number of folios in each Fine, "from which it will appear that there were levied for the said counties 300 in the reign of Richard I., 959 in John's reign, and 5,713 in the time of Henry III., the respective products of which being multiplied by 4, will give the average number of Fines levied throughout England during the above period; 10 counties being $\frac{1}{4}$ the whole number of 40; for there are no Fines in the Chapter-House for the 12 Welsh counties."]

[*From Manuscript Collection.*]

NUMBER OF FINES LEVIED IN TEN COUNTIES DURING THE REIGNS OF
RICHARD I., JOHN, AND HENRY III., WITH THE NO. OF FOLIOS IN
EACH FINE.

COUNTY.	Earliest Date of Fine.	RICHARD I. No. of Fines levied.	JOHN. No. of Fines levied.	HENRY III. No. of Fines levied.
Bedford	7 Rich. I....	46	131	483
Berks.....	7 Rich. I....	35	92	599
Bucks.....	7 Rich. I....	64	149	808
Cambridge.....	7 Rich. I....	40	138	657
Cumberland....	7 Rich. I....	2	24	80
Cornwall	7 Rich. I....	4	34	96
Derby	4 Rich. I....	4	41	290
Devon.....	.. ..	28	35	658
Dorset	7 Rich. I....	8	51	376
Eassex.....	7 Rich. I....	69	264	1666
No. of Fines in each Reign..		300	959	5713
		3	3	4
No. of Folios in each Fine..		900	2877	22852

[A folio contains 72 words.]

The Parliamentary Writs—Documents printed from Transcripts, uncollated with the Originals. Page 43.

[The following is the copy of a list, furnished to the Compiler by the desire of the Record Board, of those do-

cuments contained in the two volumes of the Parliamentary Writs, which have been printed from transcripts,—notwithstanding it is admitted that the originals possibly exist in public repositories, and that no measures for their discovery were previously taken. Objections were raised by the sordid jealousy of the keepers, and the learned editor of this costly work yielded without an effort.]

[*From Manuscript Collection.*]

Documents printed from Transcripts in the Parliamentary Writs.

Vol. I.—Writs of Election and Prorogation, tested 2d of November, 23 Edw. I. &c. and the Returns of the Commons pursuant to the same.—Formerly in the King's Remembrancer's Office, Exchequer, but not known to exist at present.—pp. 34 to 45, No. 7 to 32.

Writs and Returns of the Summons of the Knighthood of the Shires, tested at Portsmouth, 24th May, 25 Edw. I.—Possibly amongst the unsorted Records in the Tower.—pp. 285 to 294, No. 14, 15, 17, to 21.

Commissions, tested 14 Jan. 28 Edw. I. for the general array of all terre-tenants, about £40 per annum, with the Returns stating the names of the persons summoned.—Possibly amongst the unsorted Records in the Chapter-House.—pp. 331 to 339, No. 17 to 22.

Vol. II.—General Writs of Summons to the Knighthood of the Shires summoned to appear before the King, and Rolls of Returns annexed thereto. Westminster, 9th May, 17 Edw. II.—Possibly amongst the unsorted Records in the Tower.—pp. 637 to 657, No. 23 to 112.

Nomina Villarum (4).—The original of this ancient book, formerly in the Lord Treasurer's Office, has been lost for many years.—pp. 301 to 416.

The Nomina Villarum. Page 45—61.

(See also the preceding note.) [At the time when the work published by Powell, under the title of *Direction for Search of Records*, was compiled, this Record was in existence, as we there find mention made of "The Booke, which is commonly called *Nomina Villarum*, made about the ninth of King Edward the Second: wherein is contained the names of all the hundreds and villages of England, with the names of all the then owners of them, excepting some few shires, uncertified, or lost."—*Powell, Direction for the Search of Records*, pp. 34, 35. See also (*Powell*) *The Repertorie of Records*, p. 129; and (*Strachey*) *An Index to the Records*, p. 58.

(4) [See the succeeding note.]

In June, 1800, this book was still supposed to be kept in the Lord Treasurer's Remembrancer's Office in the Exchequer, although there was some reason to apprehend that it might have been destroyed by fire. But the total confusion of the Records in the office rendered it impossible to ascertain the fact.—*Reports from Select Committee on the Public Records*, p. 505. It does not, however, seem certain that the whole of this Record has been lost; a return, made to the Select Committee of 1800, enumerates amongst the Records in the Treasurer's Remembrancer's Office, "several original Rolls, called *Nomina Villarum*, for the counties of Stafford, Salop, Lincoln, Southampton, Devon, Bedford, and Buckingham."—*Ibid*, p. 155. (5)

These Rolls, being seven in number, were some years since transcribed by the order of the Record Commission; and although it is possible that they contained the *Nomina* of a more recent epoch, such information, as is at present within the Compiler's reach, justifies the conclusion that they formed part of the interesting returns of the year 1315 (6).]

Unsorted Records at the Tower. Pages 77—88. (See also page 25.)

[Mr. Lysons, in 1812, made a Report to the Record Board of Miscellaneous Rolls, &c. discovered at the Tower

(5) [An entry in the Minute Books of the Board states these Rolls to relate to the counties of Bedford, Bucks, Devon, Middlesex, Southampton, Salop, and Stafford.]

(6) [There was an intention of publishing the *Nomina Villarum* as an Appendix to the Hundred Rolls. The MS. in the Harleian Library, No. 6281, which was said to be a copy of the entire Record, was transcribed at the same time. The order of the Commissioners was, that the imperfections and deficiencies in the Exchequer Rolls should be corrected and supplied from the MS. in the Harleian Collection. The fate of these transcripts cannot be discovered; there is evidence that they were made at the public cost long before the labours of the Editor of the Parliamentary Writs commenced; and it is certain that another transcript of the Harleian MS. was recently made for that work, the expense of which was of course drawn from the same source. The generality of the foregoing list makes it necessary to state, that some of the Exchequer Rolls appear to have been used by the Editor of the Parliamentary Writs; as the words *Ex. Orig. penes Rem. Scacc.* are prefixed to the *Nomina* for the counties of Southampton, Devon, Stafford and Salop.]

since the commencement of the year 1804, and he then announced to the Commissioners that he had begun to examine the heap of unsorted Records, and to make a selection therefrom, for "a Miscellaneous Collection of Papers, illustrative of the History and Antiquities of the Kingdom, from the Record Office in the Tower." He added, that he hoped to have a quarto volume completed in the course of that year; and that he had also begun printing a volume of Royal Letters Missive. A Specimen of a Calendar of the Miscellaneous Rolls preserved at the Tower, and an interesting Abstract of some Letters Missive in the reigns of Hen. III., Edw. I., Edw. III., Ric. II., Hen. IV., Hen. V., Hen. VI., Edw. IV., and Ric. III., are appended to Mr. Lysons' Report. See *Reports from Commissioners on the Public Records*, vol. i. pp. 185—192.]

Searches made for Records and Manuscripts in different Libraries. Page 87.

[In the year 1806 searches were made by the direction of the Record Commissioners for original Records and manuscript copies of Charters preserved in the universities, cathedrals, and other public repositories in England: and a *condensed Report* of the result of such searches has been printed.—See *Reports from Commissioners on the Public Records*, vol. i. pp. 179—184: and in the same year searches for similar Records and Manuscripts were made in Ireland, and a report of the result, together with observations upon the condition, arrangement and future preservation of the Public Records of Ireland has also been printed in an abridged form.—*Ibid.* pp. 302—309. Soon after the plan for the New Edition of the *Fœderæ* was finally arranged, searches for materials were commenced in most of our public metropolitan, and provincial, offices and libraries; but nothing is known of the success of those inquiries, beyond the brief statement contained in the Introduction to that work.—(See *ante*, pp. 113—115.) In June and July, 1812, similar searches were made in several repositories in Dublin, viz. in the archives of

Christ's Church, in the MS. Library of Trinity College, and in the Library of the Dublin Society: and a report was, on the 29th July, in the same year, made to the Board: but it has never been printed. It professes to contain an account of materials proper to form a *Supplement* to the First Volume of Rymer's *Fœdera*, with notices of various articles contained in the above mentioned repositories, which, it was conceived, might be useful in the subsequent parts of the same work. The Report enumerates the various articles transcribed by the Sub-Commissioners from the *Liber Niger*, *Liber Albus*, and *Registrum Novum*, of Christ's Church, and the Appendix thereto contains minutes taken from the Red Book of the Exchequer, the *Liber Niger* and *Registrum Novum* of Christ's Church, (7) the Harris MSS. in the Library of the Dublin Society (8) and the Lodge MSS., (9) and also lists of all State and Historical Papers relative to English and Irish Affairs, and of Charters relative to English Affairs, contained in the MS. Library of Trinity College. (10) (11) In

(7) [See *Reports from the Commissioners on the Public Records of Ireland*, vol. i. pp. 307—312. 442. See also *Reports from Commissioners on the Public Records of England*, vol. i. p. 304.]

(8) [See *Reports from Commissioners on the Public Records of Ireland*, vol. i. pp. 324. 403, 404.]

(9) [See the Catalogue of Lodge's MS. Books, (thirty-six volumes of various sizes). *Ibid.* vol. i. pp. 400, 401. See also *Reports from Commissioners on Public Records of England*, vol. i. p. 305.]

(10) [See *Reports from Commissioners on the Public Records of Ireland*, vol. i. pp. 314—319. The Catalogue of the MSS. in the library of Trinity College was transcribed by order of the Irish Record Board, and directions were given that it should be compared with the originals and should be printed. Soon after this transcript was commenced, a book, known by the name of "Vallancey's Green Book," [an Irish Historical Library,] came into the possession of the Commissioners, and it was in contemplation to annex "the contents of the said manuscript book, as an Appendix, to the College Catalogue now preparing for the press, the same being an Alphabetical Catalogue of Documents, chiefly MS. relating to Ireland, and referring to the libraries where they are to be found." *Ibid.* vol. i. pp. 481. 485. 549. 553; vol. ii. pp. 3. 9. 13. 54. 640. 643. The work seems to have been subsequently abandoned.—vol. iii. pp. 4. 8. 12. 20. 24. See also the Sixteenth, Seventeenth, and Eighteenth Reports from the Irish Board. It appears from the Nineteenth Report (1829) that Special Re-

the month of November, 1817, the ancient Charters and original documents in the archives of Christ Church, Oxford, were examined for the purpose of selecting whatever might be useful in the formation of the Supplement to the New Edition of the *Fædera*: and the following short Report of the result of that examination was made to the Record Board.]

[*From Manuscript Collection.*] .

Chapter House, Christ Church, Oxford.—In this repository are contained the following volumes:—

1. A folio, apparently of the 14th century, lettered *Cartularium Osney*, No. 24, containing the History of the Foundation, a Collection of Grants, and Papal and Regal Confirmations to the Abbey of Osney. To this there is an Index: the first part of which is written in a hand coeval with the principal part of the volume: the latter, in a comparatively modern hand, appears to have been made by Anthony Wood, having his autograph at the conclusion. “Ant. Wood, 1659.” At the top of the first leaf, in the handwriting of the same antiquary, is the following title, *Registrum Monasterii de Oseney per Willielmum Suttonam, abb' ecclesiae*, and at the bottom of the page the following memorandum. “This 31 May” (the year omitted) “I delivered this book to Mr. Philip King, Esquier, Auditor of the Colledge of Christ Church in Oxford, for the perpetuall use of the sayd House and Society; and had a thankfull remembrance from them, a book called *Annales Burtonenses*. Robert Cotton.” The contents of this volume have been translated into English, and transcribed in a ponderous folio, called *Willis's Book*; which appears to

ports had been made by the Sub-Commissioners on that work, and were then under consideration.]

(11) [Searches were also made in the year 1811 in some Irish repositories for materials for completing the *Fædera*, and a short Report was made upon the subject to the Record Board, which still exists in manuscript. It contains two very short lists of Documents in the Library of Trinity College connected with the object of inquiry.]

have been performed with great care and labour, about the end of the 17th, or beginning of the 18th, century.

2. *Eynsham juxta Oxōn*, No. 26. —A very ancient folio, containing a number of Grants and Confirmations of our early Monarchs, to the Abbey of Eynsham. Some of these might have been introduced at the commencement of the First Volume of the *Fœderæ*, under the very early reigns, when the difficulty of procuring materials of a civil nature was great; but they are too numerous, and time too limited, to allow of transcription.

3. *Liber Cœnobii Eynesham*, No. 27.—A thin folio, consisting of Pleas, Inquisitions, &c. relating to the Monastery.

4. *Cartularium S. Frideswidæ*.—A very large folio, apparently of the 14th century. After the history of the foundation, and some other matters of minor importance, are found *Confirmaciones Regum*, occupying more than twenty pages. The latter part of the volume relates to the possessions of the church, &c. and is purely ecclesiastical.

5. *Willis's Book*.—The contents of this very large volume have already been noticed under the first article.

Treasury, Christ Church, Oxford.—Within this repository are two chests, in which are preserved a large Collection of ancient Deeds and Charters, consisting of grants of manors, lands, churches, &c. relating principally, if not entirely, to the Abbeys of Oseney, Eynesham, St. Frideswide, and the Collegiate Church of St. George, founded in 1074, by Robert Doilli, within the walls of the castle of Oxford. But no indexes, or calendars, of any description, were to be found, which could in any shape assist in pointing out the contents of the chests.

The entire collection, through the liberality of * * * was therefore removed from the Treasury into his own private study; the former place not admitting of that accommodation, which was requisite, in order to separate and arrange this mass of documents. In this undertaking the following separation was first made:

I. Deeds of Gift, Grants, &c. made by private persons to religious houses.

II. Royal Grants and Confirmations, relating to the possessions of those monasteries.

I. The first, and by far the largest portion, for reasons, which shall be mentioned shortly, may again admit of a subdivision. 1. Private deeds and evidences relating to lands, churches, &c., forming part of the present possessions of Christ Church. 2. Similar instruments, relating to the estates of religious houses, suppressed by Pope Clement VII. in 1524, and subsequently granted, or intended to be granted, by Wolsey to Cardinal College; but which form no part of the present possessions of the college.

When Cardinal Wolsey, by a Bull of Pope Clement VII. in 1524, obtained liberty to suppress a number of religious houses, (the revenues of which were estimated at nearly £2000,) in order to enrich his intended society, to be called "Cardinal College," the deeds containing grants formerly made to such suppressed houses, were transferred to Oxford, and deposited within the archives of that new foundation. But when, in 1529, this great minister fell, his foundation not having been established by law, the whole of these possessions became forfeited. After a lapse of years, King Henry VIII. having previously meditated several plans, in 1545, finally established the college upon the present foundation; but many manors, lands, &c. which belonged to the suppressed houses, and which formed a part of the Cardinal's foundation, (the evidences of which are still to be found at Christ Church,) had, in the intervening time been granted away by the King to various persons, and consequently now form no part of the possessions of the present college. This may account for the large quantity of deeds and evidences, comprising this 2d subdivision, still remaining in the Treasury, and which relate to estates and parishes, where the present college has not the slightest interest or connection.

II. Royal Grants and Confirmations.

These Charters, which came more immediately under the object of the present search, consist of a considerable

number of regal grants and confirmations of our early kings, connected with the possessions formerly belonging to the religious houses of Oseney, Eynsham, St. Frideswide and the Chapel of St. George, within the castle of Oxford. To a considerable portion of these the great seals are still remaining: some of them in a high state of preservation, having been carefully guarded by cases from external injury. In order that a tolerably accurate estimate of the value of these instruments may be formed, a few have been selected for transcription; not as exhibiting in themselves any thing particularly curious, or illustrative of ancient history, but as forming a fair specimen of the general worth of the whole collection.

Henry I.—1, dors. Carta Reg H. pīni de donacōe Roð doleio.—To this small Charter is appended a seal of Henry I. in the finest preservation. Ap. Wodestoke. No. 26.

2. H. Rex Angl 7 dux Norm Restoldo vicecoī Oxenēf 7 Rič vicec' de Buching 7 ministris suis sał. Precipio qd tota terra 7 homines canonicorum sc̄i Georgii de Oxenēf sint quieti 7 in pace de sciris 7 hundredis 7 de wardis 7 communibus placitis 7 omnibus aliis rebus excepto murdro & latrocinio probato, 7 prohibeo qd nullus eis vel hominibus suis injuriam vel contumeliam faciat, quia ipsi sunt de propria elemosina mea. T. Reg eþo Saresþ. Ap. Wodestoke. *Sub sigillo.*

Stephen.—3, dors. Carta Reg Stephani de S̄cō Georgio, No. 38.—The King's confirmation of grants to the Chapel of St. George “in castello Oxōn,” by Witt de Caisñ & Rič de Canvitt. *Sub sigillo.*

4. “Carta Reg Stephani canoniciis S. Mariæ de Oseney concessa.”—S. Rex Angl archiepis ep̄is abbatibꝫ justic' baroñ vicecomitibꝫ 7 oibꝫ ministris 7 fidelibꝫ suis Franç 7 Anglis tocius Angl sał. Sciatis me dedisse 7 concessisse in elemosinam in ppetuum pro aia regis Henꝫ 7 aliorum antecessorum meorum 7 pro salute mea 7 Eustach filii mei 7 Mathiſt uxoris mee, deo 7 ecclie sc̄e Marie de Oseneia

7 canonicis in ea deo servientibꝫ quinque solidꝫ 7 quinque denarꝫ 7 obot 7 quadrantem que mihi reddere solebant de langablo infra burgum Oxōn de terra illa que dicitur Octvirgate regis cum brugablo 7 aliis oībꝫ rebꝫ 7 consuetudinibus que ad terram illam pertinent. Quare volo 7 precipio qđ ecclia prefata 7 canonici illam terram teneant de qua mihi reddere solebant predictos v solidꝫ 7 v denarꝫ 7 obot 7 quadꝫ bene 7 in pace 7 libere 7 quiete 7 honorifice cum socha 7 sacha 7 toll 7 theam 7 infangenetheof 7 cum omnibus aliis consuetudinibus 7 libertatibus quas ego inde habebam. Test. G. de Mandavilla 7 Roberto de Oleio 7 Fulc de Oleio 7 Mamfenino Britōn 7 Roð de Arsic 7 Roberto de Belisiñ 7 Roȝ de Caisñ. Ap. Oxōn.

To the preceding charter of Stephen is appended the King's Great Seal, in the finest preservation.

Matilda.—5. Carta M. imperatricis H. regis filiae 7 Anglorum dominæ.—By this charter, executed probably in 1141, the empress grants and confirms to Oseney several churches, &c. “ T. Roberto filio Regis fratre suo 7 aliis.” Ap. Divisas. *Sigillo avulso.* “ About Lent (A.D. 1141) the Empress came to Devises, and held a council there.”—*Brady's Hist. Engl.* i. 287.

6. “ Breve M. imperatricis de Octovirgate regis baronibus de Scaccario.”—M. imperatrix regis H. filia baronibꝫ de Scaccario sal. Mando vobis 7 precipio qđ computetis qđ anno vicec̄ 7 preposito de Oxenēf in firmā de Oxenēf v s 7 vj d̄ p̄t' q̄drante de trā canonicorum de Oseneia qīñ eos illis quietos clamavi in perpetuum 7 ecclesie sue eos in perpetuum elemosinā dedi. T. Niȝ eþo Eliensi 7 Roð de Oilli. Ap. Oxēn. *Sub sigillo.*

This Charter is not dated, but was no doubt executed by the Empress Matilda, in the same year as the preceding, 1141, when she took refuge at Oxford, the castle of which, under the command of her able partisan, Robert Doilly, (a witness to the Charter,) sustained a long siege upon her account against the forces of Stephen. “ Three days before Michaelmas (1141) the King came unex-

pectedly upon the city (Oxford) and burned it; and besieged the empress, who was in the castle; and prosecuted the siege so resolutely, that he declared he would not leave it for the hope of any advantage, or fear of any loss, before the castle was taken and the empress in his power." — *Brady, Hist. Eng.* i. 228. History, however, informs us that about Christmas she made her escape by night, and retired to Wallingford.

. *Henry II.*—7. *Carta Hen. II. canonicis de Oseneia, de langeneia 7 langable 7 Aldware 7 de hida ad pontem de Bladene.* No. 31. *Sub Sigillo.*

John.—8. *Carta Regis Johannis de ecclesia sc̄i Georgii que sita est in castello Oxeneford.* 16 Jun⁹ An. 1. No. 32. *Sub magno Sigillo.*

Henry III.—9. *Confirmatio Regis Henrici t'cij sup carta Roð de Oyleyo.* No. 35. *Sub magno Sigillo.*

10. *Carta Reñ H. 3. de libertatibus de insula Osēn 7 de terris infra burgum 7 de ecclesia sc̄i Georgii cum pertinē.* No. 33. *Sub Sigillo.* To this Charter is appended the Great Seal in the most perfect condition.

11. *Licentia concessa abb 7 convent de Oseney, ut ex-cambiare possint terras in Coldeslawe cum prior 7 convent S. Frideswide.* 12 Oct. An. 50. *Sub magno Sigillo.*

Richard II.—12. *Licentia Ricardi regis sc̄di p uno messuag⁹ in Hampton Gay.* *Sub Sigillo.*

13. *Licentia Regis Ricardi 2. de confirmatione terrarum 7 teñ cum ptin⁹ in Thorpe.* *Sub Sigillo.*

The great seals, attached to these Charters of Richard II. are of green wax, five inches in diameter, and in the most perfect state.

Several very ancient deeds, proving that there was such a parish as the parish of St. Frideswide in Oxford, long before the foundation of St. Frideswide's Priory.

The only instrument of a public and general nature, which was discovered intermixed with the above mentioned private and ecclesiastical grants, is the Charter of Confirmation, of the *Magna Carta & Carta de Foresta* of Edward I. (an. 29.) under the great seal.

Attention was particularly drawn to this Charter, from the recollection that in the "Report of Searches, 1806," no such instrument was then discovered at Oxford. "The Charter of 29 Edward I., stated by Blackstone to be preserved here, (Bodl. Libr.) and of which he printed a copy, with an engraving of the Seal, was not found on the present Search. Nor could any such be found at Christ Church, although it is stated by Blackstone that one of these Charters is there preserved."—*Reports on the Pub. Rec.* 1812. p. 179. (12)

[Many other researches in various public and private repositories have, during the last thirty years, been made by the order of the Record Board. But most of these examinations appear to have been conducted without any preconceived plan; and it rarely happens that any written memorials of them can be discovered beyond the items of

(12) " [An original of this Charter (29 Edward I.) with the great seal in white wax appendant thereto, (being in breadth nine inches and an half, and in length five inches and a quarter, including the fold for the label) is extant in the Bodleian library among M. Furney's charts, from whence the following copy (page 131) is exactly printed; and the device of the seal, with the imperfections shaded, may be seen in page 133, and of the counter-seal in page 135. There is another of these charters in the archives of Christ Church in Oxford."—Blackstone—*The Great Charter, &c.*—Introduction, p. cxii. *Law Tracts*, vol. ii.

The *Carta Confirmacionis*, 29 Edw. I. in the authentic edition of the Statutes, was also printed from the Furney MS. in the Bodleian. The following is a copy of a transcript made of the Christ Church Charter.

Dors. " Carta R. E. patris R. E. de libertatibus tocius regni 7 de libertat Forest'."—Edwardus dei gratia, rex Anglie dñs Hibernie 7 dux Aquitani omnibus ad quos presentes littere pervenerint, sal'. Sciatis q̄d cum nos magnam cartam dñi H. quondam regis Angl' patris n̄ri de libertatib' Angl' una cum carta de foresta concesserimus 7 confirmaverimus ac innovaverimus per cartam nostram, preceperimusque q̄d carte ille in singulis suis articulis teneantur 7 firmiter obseruentur, volumus 7 concedimus pro nobis 7 heredib' nostris, q̄d si que statuta fuerint contraria dictis cartis, vel alicui articulo in eisdem cartis contento, ea de communi consilio regni n̄ri modo debito emendentur, vel eciam adnullentur. In cuius rei testimoniam has litteras nostras fieri fecimus patentes. Teste meipso apud Lincoln' xiiij. die Febr' anno regni n̄ri vicesimo nono. (dors.) Oxon. Ad. de Osgoteby.]

expenditure to which they gave occasion. The ensuing notes are all, which the Compiler can find, that are proper for insertion in this place.]

[*From Manuscript Collection.*]

The Holkham MSS.—The Parliamentary matter, which they afford, is of no importance, being confined to some transcripts of Records, which have been printed, but in other respects this collection is of great singularity and value. It contains many very ancient MSS. of the Year Books, Britton, the *Registrum Brevium*, and the Statutes, and, above all, a complete text of the ancient Latin translation of the Anglo-Saxon laws, probably made when these laws were restored by Henry I., and to which is appended an excellent copy of the laws of William the Conqueror in the Norman French Dialect. This text must be considered as a document of some importance, because the laws of the Conqueror, as printed by Selden (*Spicilegium et Notæ ad Eadmerum*, p. 173 and 194,) and by Fulman (*Historiæ Anglicanæ Scriptores*, Vol. III. p. 88. 93,) are so corrupted by the transcribers as to be scarcely intelligible. And as the original MS. of Ingulphus, whence they were published, has been lost, the Holkham MS. alone affords the means of restoring the purity of the text of this early specimen of legislation.

The British Museum—Journals of the House of Lords. It has been ascertained that the volume in the Harleian Collection, No. 158, (being a portion of the Parliamentary Collections of Sir Simon Dewes,) contains three leaves of the original Journals of the House of Lords of the reign of Henry VIII. which have not been published, viz.

3 Henry VIII. *Die Martis, 2º Martii.*

27 Henry VIII. *Die Veneris, 4º Febr.*

..... *Sabbati, 5º Febr.*

..... *Martis, 22º Febr.*

An abridgement of the votes of the 2d of March, 3 Henry VIII. has been printed, (*Journals of the Lords,*

Vol. I. p. 14,) but the original in the Museum is much fuller, containing the names of the Peers present, and such clauses as were inserted by the House of Lords in the bills which they passed. The Lords Journals of the 27 Henry VIII. are lost, and are so distinguished in the Chronological Table. The printed Journals pass from the 25 Henry VIII. to the 28 Henry VIII. without any entries relating to the intervening Parliament.—(*Journals*, Vol. I. p. 83.) These particulars have been mentioned, as it would probably be thought desirable to include the fragments in any new edition of the Journals, and, perhaps, some clue may be afforded for the recovery of further portions of the Journals not found in the Parliament Office.

The Public Library, Cambridge.—There is reason to believe that the Public Library at Cambridge, though of less extent than the Bodleian, contains a far greater proportion of MSS. likely to be useful for the principal works carrying on under the superintendance of the Record Board. But the rules to which it is subjected, and which forbid even the inspection of the Catalogue unless in the presence of a Master of Arts, are such as to prevent the prosecution of any extensive inquiry there. So much liberality has been shown by the members of Corpus Christi College in the arrangements which are to be carried into execution for the purpose of rendering the treasures of Archbishop Parker's library useful to the public, that it is to be hoped that this example may ultimately be followed by the University.

[*Note.*—No searches appear to have taken place in the Archives of the Bishop of Ely, preserved in his palace in Dover-street, Piccadilly; nor in those of the Dean and Chapter of Westminster.] (13)

(13) [The Irish Commissioners in some instances extended their inquiries to private Collections.—See in particular the Report on the Headfort Books and Papers, and the Report on the Annesley MSS.—*Reports from Commissioners on the Public Records of Ireland*, Vol. II. pp. 14—32; and the Sixteenth Report from the same Commissioners, pp. 9—15.]

Parliamentary Writs.—Pages 33—88.

[From Manuscript Collection.]

Remarks on the Manner in which the Parliamentary Writs are Printed, showing that a very considerable Saving in the Expense of that Work might be effected, without lessening its Utility.

The Parliamentary Writs and Writs of Military Summons are divided into

I.—The Chronological Abstract, presenting, in English, an abstract of the contents of each document, the teste, the page in which it occurs, and a reference to the original, with historical and other notes.

II.—The Calendar of Writs of Election and Returns, showing, in various Tables, the Teste, Return, names of the Persons elected, and the page in which the record will be found, with observations.

III.—Copies of Writs, Records, and other Muniments, relating to Parliaments and Councils.

IV.—Writs, Records, and Muniments, relating to the Military Service due to the Crown.

V.—Appendix of Illustrative Documents.

VI.—An Alphabetical Digest.

VII.—An *Index Nominum*.

To which is to be added a Digest of Places and principal Matters, not yet published.

Upon the manner in which each of these divisions is printed some remarks will be made; but the following general observations are previously necessary. It is well known that the printer's charge for composition is the same, whether the page be entirely, or only partially filled: hence it is obvious, that, besides a saving in the consumption of paper, the more matter that can conveniently be got into a page, the less will be the cost of producing a volume. Nor is the saving confined to paper and print only, for if an editor (as is the case with the editor of the Parliamentary Writs) be paid for a certain part of his work *per sheet*, the expense of literary labour will be re-

duced in proportion to the number of sheets, which can be saved by a system of compression. No one, on opening the Parliamentary Writs, can fail to be struck with the total disregard of economy, with respect to space, which is everywhere conspicuous; and it would seem as if the object had been to disperse the matter over as great a quantity of paper as possible. In other points also, an equal recklessness of expense appears, especially in the *tabular* form in which the Abstracts, Calendars, and Digests are arranged, the heavy cost of which must be at once evident to persons conversant with printing. The rule in publishing Records by the Commission should be, to get the greatest quantity of matter into each volume, and, by allowing considerations of economy and utility to supersede typographic elegance, give to the public as much information at the smallest possible cost. In saying, that, by a different arrangement, the contents of the Parliamentary Writs might be compressed into little more than *two-thirds*, or, if the "Digests" were (as they ought to have been) omitted, into less than *one-half* of the extent of the present volumes, an allegation is made, which is, it is presumed, capable of proof.

I. *The Chronological Abstract.*—This Abstract is so useful that no alteration is proposed in its contents; nor is it desirable that the notes should be either suppressed, or abridged. A very considerable reduction might, however, be effected in the expense. The column appropriated to the "date, or teste" should be altogether omitted, because this could be added after the Abstract, and there is a sufficient reference to the date in the heading. The column appropriated to the number of the instrument is also unnecessary, as this could be added, in smaller figures, to the reference to the pages. It would also save much space if the line referring to the original were placed after the date of the teste, in italics, and within brackets. Much tabular work would be avoided; the great space now lost by the

wide indentation in every page would be saved; and the Abstract itself be equally as convenient as at present. The manner in which it is suggested that the Abstracts should be printed will be best understood by the annexed example, (14) and the saving in expense, which would be produced, may be judged of by comparing the proposed, with the existing, arrangement. (15) With respect to the notes, it need only be observed that they ought to be in smaller type.

When it is considered that the Chronological Abstract, in Vol. I. of the Parliamentary Writs, (that is the Writs for the reign of Edw. I.) occupies 76 folio pages; and that the Abstract of those of the reign of Edward the Second, in Vol. II., fill 458 folio pages, the importance of compressing those Abstracts, as much as is consistent with perspicuity, must be sufficiently manifest.

II. *Calendar of Writs.*—This Calendar is divided into twelve columns; the first four being occupied with the "Teste," and the next four with the "Return of the Writs;" the ninth column with "Observations;" the tenth with the "Names of the Persons elected;" and the eleventh and twelfth columns with references to the page of the work in which the Record itself will be found; and occupies altogether 380 pages, the expense of printing which in such a form must have been excessive. Even if some other arrangement of this Calendar could not be substituted for the tabular form, it is unquestionable that it might be so altered as considerably to reduce the cost of printing it. The contents of the first eight columns, relative to counties, are verbatim the same in each reign; the repetition is almost as frequent respecting the boroughs; and many of the editor's remarks, under the head of "Observations," apply to each case. Supposing, however, that the tabular form be deemed the most eligible, all the present advantages might be preserved by reducing the tables to

(14) Appendix B.

(15) Appendix A.

six instead of twelve columns; but with a little trouble a still more compendious and economical arrangement of this Calendar might probably be effected.

III. and IV. Parliamentary Writs and Writs of Military Summons.—A glance at the pages containing these documents, which form the body of the work, will be sufficient to show that a great saving in space would be produced by printing the long lists of names,(16) which frequently occur, *in double columns*, as is done with respect to those Records in the Appendix to the *Reports of the Lords' Committees on the Dignity of a Peer of the Realm*. Much space is likewise uselessly sacrificed by not omitting the brackets, which connect long lists of names with statements that apply to each of the persons mentioned, and placing the said names, in double columns, and the statements alluded to at the bottom of the list with a slight indentation.(17) Thus, in vol. i. page 12, the copy of a writ is given; then follow the names of twenty-one persons to whom similar writs were addressed: these names are inclosed by a circumflex, and in the centre the purport of the Record is inserted, which ought to have been placed at the end of the list in the manner just suggested, and all the names inserted in double columns. If the lists to which these remarks apply were few, the alteration would not be important, but as they are very numerous, a material saving might be effected both in space and expense.

V. Appendix of Illustrative Documents.—The introduction of Documents which may be considered “illustrative” of the Parliamentary and Military History of this Country, affords the Editor of the Parliamentary Writs a license to increase the bulk of that work at his pleasure, since the greater part of early Records are more, or less, “illustrative”

(16) For example, in vol. i. pages 28, 29, 79, 80, 194, 223, 287, &c.; and see particularly vol. ii. pp. 428, 429.

(17) See Appendix B.

of those departments of History. As the Records inserted under this head for so long a reign as that of Edward I. did not extend beyond twenty-eight pages, it was of slight consequence whether they did or did not occur; but when for the comparatively short reign of Edward II. they amount very nearly to *three hundred* pages, it becomes necessary to inquire into the propriety of such an Appendix forming part of the publication. For the following Reasons it is submitted that this Appendix should not be continued in the future volumes of the Parliamentary Writs on its present unlimited plan :

1. That it is, or ought to be, the object of the Record Commission, to print perfect Calendars containing full Abstracts of various Records.
2. That among those Records, the Close, Patent, and Fine Rolls, merit the early and particular attention of the Commission.
3. That the Records, which occur under the description of Illustrative Documents in the Parliamentary Writs, are chiefly taken from the Close, Patent, or Fine Rolls; hence, if proper Calendars be made to those Rolls, such of the Documents as occur in the Parliamentary Writs, which are taken from them, will be reprinted *twice*, or *oftener*, at the expense of the country, some of them having already been printed in the *Fædera*.
4. That a miscellaneous collection of Records like *Rymer's Fædera*, is the most eligible place for printing Documents, which do not immediately belong to any particular class, and which have not before been published.

The only Records, which ought to be inserted under the designation of Illustrative Documents in the Parliamentary Writs, are those which are taken from sources not usually consulted, or of the contents of which it is not intended to publish Calendars, such for example as original MSS. in the British Museum, the Lambeth Library, and amongst the City Archives, &c.

VI. *Alphabetical Digest*.—Upon this Digest, all which
PART II.

will be here said is, that the cost of compiling and printing it is very heavy; that it is by no means necessary; and that it ought to be omitted both with the view of saving expense and of reducing the bulk of the work, which is inconveniently and unnecessarily great. The object of such publications is to present information, and as that information can be obtained by a *Common Index*, additional facility of reference is a *secondary* consideration, and if introduced at all, it should be postponed until the completion of the work. It is also to be remarked, that no Digest occurs in any of the other publications by the Record Commission, the importance of many of which is equal to that of the Parliamentary Writs, and that the effect of the said Digest is to retard the completion, and very materially to augment the cost, of the publication.

As the “Digest of Places and of Principal Matters,” which the Editor proposes to print, is not yet published, no remark can be made thereon, excepting that, judging from the other parts of the work, it is highly desirable that the nature and arrangement of that Digest should be carefully examined before it is sent to press, even if it should not appear most eligible to substitute for it an *Index of Principal Matters*, and an *Index Locorum*.

APPENDIX A.

Present form of the Chronological Abstract.

DATE OR TESTE.	NATURE OF INSTRUMENT.	PAGE. NO.
3 ED. I. 20 NOV. 1274—20 NOV. 1275.		
Woodstock, 27 Dec.	<p><i>Rot. Claus. 3 Edw. I. m. 21, d.</i> Writ of Summons addressed to the Archbishop of Canterbury, requiring him to appear at the King's "General Parliament," to be held at London (by prorogation from the Quinzaine of the Purification, 16 Feb.) on the Morrow of the Clause of Easter, 22 April, 1275.</p>	1 1
te.	<p><i>Rot. Fin. 3 Edw. I. m. 24, d.</i> Ordinance for the collection of the "New Customs" upon wool, wool-fells, and hides, exported as well from England, as from Ireland and Wales, and as well within franchise as without, granted by the "Grauntz" of the Realm, the ordinance being made upon the prayer of the "Communes de Marchantz."</p>	1 2

APPENDIX B.

Proposed Form of Chronological Abstract.

3 EDW. I. 20 NOV. 1274—20 NOV. 1275.*

Writ of Summons addressed to the Archbishop of Canterbury; requiring him to appear at the King's "General Parliament," to be held at London (by prorogation from the Quinzaine of the Purification, 16 Feb.) on the Morrow of the Clause of Easter, 22 April, 1275. Tested at Woodstock, 27 Dec. 1274. (*Rot. Clas. 3 Edw. I. m. 21, d.*) Page 1, No. 1.

Ordinance for the collection of the "New Customs" upon wool, wool-fells, and hides, exported as well from England, as from Ireland and Wales, and as well within franchise as without, granted by the "Grauntz" of the Realm, the Ordinance being made upon the prayer of the "Communes de Merchanz." No date. (*Rot. Fin. 3 Edw. I. m. 24, d.*) Page 1, No. 2.

* The date should be printed in capitals at the commencement of each page.

APPENDIX C.

Present form of printing the Parliamentary Writs.

Eodem modo assignant^r Robs de Melkeleye & Walts de Leycest^r in Com Hertford.

Eodem modo assignant^r Roland de Aksted & Johem Nicole de Guldeford in Com Surr.

Eodem modo assignant^r Wilts de Echingham & Henr le Mareschal de Guldeford cucus in Com Sussex.

Eodem modo assignant^r Wilts le Po^ve & Magr Wilts de Birmyngham in Com Oxoⁿ.

Eodem modo assignant^r Robs Fulcoⁿ & Rolandus de Erley in Com Bark.

ad dcam tricesimam assidendā taxandā &c. ut s^a. T. ut s^a.

Proposed Form.

Eodem modo assignant^r Robs de Melkeleye & Walts de Leycest^r in Com Hertford.

Eodem modo assignant^r Roland de Aksted & Johem Nicole de Guldeford in Com Surr.

Eodem modo assignant^r Wilts de Echingham & Henr le Mareschal de Guldeford cucus in Com Sussex.

ad dcam tricesimam assidendā taxandā &c.
ut s^a. T. ut s^a.

The Fædera.—Report of the Lords' Committees on the Public Records, 16th April, 1719. Page 100.

[The Compiler never saw the volume of 1723, but he believes it to be a mere reprint of that of 1719.—See Worrall, *Bibliotheca Legum*, Part I. p. 30.]

The Fædera.—The Fifty-eight Volumes of Inedited Materials, collected by Rymer, preserved in the British Museum.—Page 108.

[Messrs. Astle and Topham, in the special Return made by them to the Committee of 1800, observe, that “the fifty-nine volumes of Mr. Rymer's MS. Collections in the British Museum, are most of them printed in the *Fædera*, except a few instruments and papers of little importance in the last volume.”—*Reports from Select Committee on the Public Records*, p. 507.]

The Fædera.—The Old Man of the Mountain.
Pages 117, 118.

شیخ الجبل — [The reader, whose acquaintance with the Arabic does not extend beyond the twenty-eight letters of the Niskhi Alphabet, will, nevertheless, perceive an error in these, the only words in that language, that occur in the Introduction to the *Fædera*—ج has been substituted for خ—The principal editor of the *Fædera* is a profound oriental scholar: and the misprint is merely noticed as one among the innumerable instances of the unparalleled and inconceivable carelessness apparent even in those publications of the Record Board, upon which there has been the most lavish expenditure. (18)]

NOTE.—The Dissertations on the *Sener de Montamis* and the *Assassins*, (mentioned, *ante*, page 118,) have been translated by Mr. Johnes, and are printed at the end of the second volume of his edition of the *Memoirs of De Joinville*, published in 1807.]

(18) [The very same misprint occurs in two places in the “Official” Copy of 1817 (*ante*, p. 121.) In the Introduction and in the Appendix we find جبل شیخ instead of شیخ الجبل—General Introduction to the *Fædera*, pp. 22. 51. 4to. edition.]

The Fœdera.—General Introduction, in quarto. Page 121.

[“Official Copies” of the *Introduction to the Authentic Collection of the Statutes*, and of the *General Introduction to Domesday Book*, and the *Introduction to the Supplementary Records of Domesday*, were also printed “for the use of his Majesty’s Commissioners on the Public Records of the kingdom:” the *Introduction to the Statutes*, in 1810: the *Introduction to Domesday* and its *Supplementary Records*, in 1817. Both volumes possess the convenience of Indexes. It is the intention of the Record Board to republish the *General Introduction to Domesday* in an octavo form, augmented by the numerous manuscript notes, with which the reading of fifteen years has enabled its erudite author to enrich the printed copy.]

Materials for the History of Britain.—Welsh Department.
Pages 145—173.

[*From Manuscript Collection.*]

The documents in preparation for the Welsh department of the *Corpus Historicum* comprise, Laws, Chronicles, Historical Triads, some Ancient Triplets, Genealogies of Saints, &c.

The laws are arranged in three classes. Those of Gwynedd, or North Wales; the code of Dimetia, or West Wales; and a version of the latter, which obtained in Glamorgan. Each of these forms has peculiar characteristics, is written in the dialect of the district it represents, and refers to the usages, which obtained in the corresponding portion of the principality. The text of the Venedotian code is taken from a MS. apparently written in the ecclesiastical establishment of Bangor some time in the twelfth century; it had never previously been consulted, and is selected on the present occasion on account of its great antiquity, being the oldest known existing version. A MS. of the thirteenth century belonging to the library of the Welsh school, evidently from internal evidence a transcript from the former, has been collated with it, and has supplied some hiatus. In all, seven MSS. have been collated with that selected for the basis. Titus D. ii. from the British

Museum, a MS. of the thirteenth century, at one time in the possession of Anian, bishop of St. Asaph, *temp. E. I.* as appears by his autograph in the book. This MS. was adopted by Wotton as the text of his edition of the *Leges Walliae*. Caligula A. iii. a MS. of the twelfth century, from the same repository. Three MSS. from the Hengwrt Collection, of the fourteenth and fifteenth centuries, hitherto unexamined. And a MS. in *s. 1* : College Library, Oxford, of the fifteenth century. In all eight MSS. of the Venedotian and Powysian laws. For the Dimetian form, Titus D. ix. a MS. in the British Museum of the thirteenth century, has been selected for the text, with which nine MSS. have been collated.—Harleian, 958; a MS. of the thirteenth century. The before-mentioned MS. at Jesus College, Oxford, which contains considerable portions both of the Venedotian and Dimetian codes. A MS. of the fifteenth century, purchased by the Cymrodorion Society. A folio MS. on vellum, of the fourteenth century, from the collection at Wynnstay. And five MSS. of the fourteenth and fifteenth centuries, from the library at Hengwrt, collected by the celebrated antiquary Mr. Robert Vaughan. For the basis of the Glamorgan version of the Welsh laws, a MS. from the Hengwrt collection has been selected, with which four other MSS. have been collated. One MS. from the same depository, and three from the British Museum; Cleopatra A. xiv. a MS. of the fourteenth century; Cleopatra, A. v. of the same æra; Harleian, 4353, a MS. likewise of about the same age. In addition to the above, some useful information has been gleaned from five MSS. treating on the Welsh Laws, in the Hengwrt Collection of a later period. Three Latin transcripts: one, of the twelfth century, from Hengwrt, with explanatory drawings of various subjects treated of; Vespasian, E. xi. a MS. of the thirteenth century; Harleian, 1796, a fragment of a MS. of the twelfth century; both from the British Museum. These three have been prepared for the press. All the Latin versions, of which there are others agreeing substantially with the above, are of the Dimetian form.

The Chronicles, which have been prepared for the press, are, 1st. A form commonly distributed over the principality, probably the annals of the monks of Strata Florida, known to the English reader by the translation of Humfry Llwyd, edited by Dr. Powel. The text of the present edition is taken from the Red Book of Hergest, written about 1410, now deposited in Jesus College Library. Three MSS. from Hengwrt, of about the same antiquity, have been collated with it. And likewise two copies of a compilation styled the Chronicle of the Saxons, which is an amalgamation of the Annals of Winton with the foregoing, in order to connect and detail contemporaneous English and Welsh events. One is a MS. in the British Museum, entitled Cleopatra, B. v. The other a MS. from the Monastery of Basingwerk, transcribed by the bard and herald Gutyn Owen, about 1460.

2d. A history from the year 660 to 1196, recently found in Glamorganshire, and never hitherto translated.

3d. An epitome by John of Brechva.

4th. A short computation from event to event; the basis of Mr. R. Vaughan's elaborate Dissertation on Welsh Chronology.

Historical matter is likewise furnished by the Triads, of great interest, not elsewhere to be found. Some notices in them corroborate the short, but highly valuable, epitome of British events appended to some MSS. of Nennius. The ancient MSS. of these relics have perished, none having reached our times older than the fourteenth and fifteenth centuries: but the Editor has fortunately met with an original transcript of them at Hengwrt, made by Mr. Robert Vaughan about the year 1660. This, with a Gwentian copy printed in the Myvyrian Archaiology, renders the collection as complete as the materials will admit. Some ancient Triplets, commemorating the sepulchral tumuli of distinguished personages in early ages, have been translated. The biography of Grufudd, son of Cynan, who died 1136, has been prepared from a MS. nearly coeval with the subject. The ancient territorial divisions of Wales,

before the Conquest, have been arranged from various MSS. The Genealogies of the Welsh Saints, from whom nearly all the churches in the Principality derive their appellations, have been incorporated in one work, based upon a MS. of the early part of the thirteenth century. For the completion of this branch of inquiry upon the fullest scale, a MS. containing very extended and important information has been procured from Glamorganshire.

These works are ready for the press, and await only a careful revisal in the order they may be wanted for that purpose.

*The Materials for the History of Britain.—
Pages 145—173.*

A general Account of the necessary Materials for an History of England, the Society and Subscription proposed for defraying the Expenses thereof, and the Method wherein Mr. Carte intends to proceed in carrying on the said Work [19].

Nothing can be of greater importance, or service, to a nation, than a faithful history of its Constitution, Laws, Affairs, Commerce, and Situation in all ages. England, in this respect, is more unhappy, because more defective, than most other countries in Europe. Whether this be owing to want of genius in our writers, or of encouragement and assistance, so

(19) [Carte printed and circulated this account in the spring of the year 1738, with a view of obtaining subscribers to his work, *A History of England*, drawn from the materials preserved in various public repositories in this country and in France. It appears, from a letter written by him to Swift, communicating his plan, that the work was projected and the subscription (a thousand pounds a-year) begun prior to August, 1736.—See Nichols, *Anecdotes of Bowyer*, pp. 193, 194, 4th edition. The account is here reprinted from the *Gentleman's Magazine*, Vol. VIII. pp. 227—232, May, 1738. The immortal Mr. Sylvanus Urban has prefixed to it the ensuing remark.—“ Though the following account be long, we do not doubt its proving acceptable to all our British readers in particular, because we cannot help being of opinion that every one of them must be glad to hear of and wish success to an undertaking, that, if suitably encouraged, will rescue this nation from the reproach hinted by Mons. Voltaire, namely, that we are beholden to a Frenchman for the best history extant of British Affairs. We shall only add, that this account might perhaps have appeared to better advantage, had we made the Author privy to our intention of making so very public, what seems to us to be only handed privately about, there being no place named where to send to the undertaker; to remedy that defect, we shall gladly forward any thing gentlemen may have to communicate to him.”]

liberally given to such public works by princes, by bodies of men, and particular persons abroad, or to any dread of the extraordinary application necessary for the execution of the undertaking, is not so certain as the defect itself is visible.

Some historians, indeed, we have, but their accounts are generally borrowed from the old chronicles, compiled chiefly by monks and other injudicious writers; who, though perhaps able to convey to us the memory of facts and events, which passed openly in the view of the world, were no way qualified to discover their more secret springs. Hence their histories contain little more than relations of battles, sieges, and other warlike exploits of our ancestors; relations very little instructive to military men now-a-days, and which, however they may strike the fancy, or flatter the fighting humour of our countrymen, are certainly much less for the service, and not more for the glory of the nation, than a judicious account of the nature and wisdom of our laws and constitution would be for its honour. Rapin, indeed, hath made some use of those Treaties with our Kings, printed in *Rymer's Fœdera*, but he is as entirely silent as any of the rest with regard to the negotiations preceding them, which are yet generally necessary for a clear understanding, as well of the true meaning of such Treaties as of the disputes thereby determined. Writing his history abroad, he had no opportunity either of consulting persons better versed in our antiquities than himself, or of searching into our Records. Being likewise a foreigner, unacquainted with our constitution, he was in no respect qualified to give us the Civil History of this nation; which has not as yet been attempted by any one except Dr. Brady, whose work was by his death left imperfect: so that an history of our Constitution, Laws, Usages, Customs and Manners, with the various, whether sudden, or gradual, alterations, which these have undergone in the course of time, the occasions, motives and steps by which they were brought about, and the effects thereof on the nation, is a work that yet remains to be executed.

Every body must be sensible this is the most interesting part of our history to the nation in general. The rights of all bodies of men, ecclesiastical and civil, as well as of particular persons, being concerned therein. In a civil history, founded upon authentic Records and materials, we may expect to see stated the just bounds of the prerogative of the Crown, and extent of the liberties of the subject, by judicious accounts of the exercise of the one and the enjoyment of the other in the best reigns, and the abuses of both in the worst. An history of our Laws, and account of the times, authors and occasions of their being established, will be very useful to let us into their true meaning, and is necessary in many cases to prevent, or correct, blunders, that might arise from want of that knowledge. The like historical account of our Institutions and Customs will best show us the reason and nature thereof, and remove mistakes, that multitudes are still apt to fall into for want of understanding their true original. By such an history the people of England will see upon what foundation their

civil rights, privileges and liberties stand, and be better enabled to support them. They will see what changes have happened in our courts of judicature, in our methods of justice; what alterations have been made in received usages and practices, that were so many instances, or barriers, of our rights and liberties, by fictions scarce exempt from the charge of absurdity, and by pretences that would hardly stand the test of cool reason and examination; and what effects have followed such deviations from old rules; and thus, by the experience of former ages, they will be instructed how to reform what is, or shall be, . . . in the safest and most effectual manner, by returning to the old . . . established by the wisdom and warranted by the practice of their ancestors.

It must be confessed that the composing of such a Civil History is a work of no small difficulty. Besides a love of truth, impartiality and exactness, qualities essentially necessary to an historian, it requires a large fund and extent of knowledge and learning of various kinds, (various as the subjects, which make up the matter of an history, and the occasions of disputes, which arise in a long succession of ages,) a clear head to digest the great variety and abundance of materials on each subject, and a continual exercise of the judgment in the use of them. It is a work of infinite labour, and cannot be executed with the accuracy, that it deserves, without painful searches into antiquity, and a large correspondence with learned men; nor without travelling through a prodigious number of old Records, not easy to be read, nor always to be understood and applied to their proper uses without a constant attention and careful observation. Whoever undertakes a work of this nature must not be encumbered with any other business; his time must be entirely dedicated to this purpose, or he can never propose to see an end, nor others hope to reap the fruit, of his labours. Men of business, employed in public affairs, and endowed with that knowledge and those qualifications which have in all ages been deemed necessary for such employments, and used to negotiations and matters of state, are certainly fitter than any others to write history, (of which we have a specimen in Sir William Temple's *Introduction to the History of England*,) but they have generally the least leisure of any for such a work. It is, however, absolutely necessary that an historian should have some knowledge of the world and of human nature, as well as of Books and Records; and should likewise be acquainted with the history, constitution, antiquities and usages of other countries, whose history is interwoven with that of their neighbours, and whose ancient usages serve in many instances to illustrate those of our own country.

Whatever reason has hindered writers properly qualified from undertaking the civil part of our history, it certainly could not be the want of materials, the Cotton Library alone containing more, as well relating to our constitution and customs, as to treaties and transactions with foreign states, than any other nation can boast of. Our Records are generally kept in better order, and more easy to be consulted, than those of other

countries; and a small number of instruments preserved in our archives, discover more of the genius of a prince and the manner of his government, and would give a much clearer light into some of the most remarkable transactions in several reigns, than all the histories of England hitherto published. Rymer, indeed, has printed several volumes of Records enrolled in Chancery, but not one out of the Exchequer, (20) where are many of much greater importance to the subject than most in his collection, and where likewise are abundance of Treaties with foreign Princes, that being the Court in which most Kings of Europe used anciently to enrol such Treaties. Powel, in his *Repertory of Records*, gives us a list of the contracting powers, dates, &c. of above 400 Treaties of our Kings with foreign Princes, which are not in Rymer. The Rolls of Parliament, the Journals of both Houses, and the Books of the Privy Council, will give great light to an historian in many cases of the highest consequence, the most weighty affairs being usually debated and transacted in those assemblies. The Paper Office, besides great numbers of original Treaties under seal, and other valuable papers, contains the Letters of all our Ambassadors in foreign Courts, and the Dispatches of the Lords of the Privy Council, the Clerks of the Council, and the Secretaries of State, to those Ambassadors, in a constant series from the time of Edward IV. down to the Revolution, in a regular order. These will fully instruct us in the negotiations and transactions we have had with foreign princes, of which no

(20) [“Rymer’s Collection contains only such treaties as were enrolled in the Tower, or in the Rolls of Chancery: he knew nothing of such as were enrolled in the Exchequer, and of the public treaties with foreign princes enrolled in this latter office. I have now a list of above four hundred by me. Rymer never made use of that vast collection of materials for an English history, which is preserved in the Cotton Library: nor ever consulted any journal of our privy council; whenever he refers to any, still quoting Bishop Burnet for his author. He never read the Rolls of Parliament, nor any journal of either House, where the chief affairs within the nation are transacted; and did not so much as know there was such a place as the Paper Office, where all the letters of the English ambassadors abroad, and all the dispatches of our secretaries of state at home, from the time of Edward the Fourth to the Revolution (since which the secretaries have generally carried away their papers) are kept in a good method, and with great regularity; so that he wanted likewise the best materials for an account of our foreign affairs.” This extract is taken from Carte’s Letter to Swift: and Nichols has appended to it the following note:—“Many of the assertions in this Letter are erroneous. Whoever will be at the pains of consulting that valuable treasure called Rymer’s *Fædera*, will find that numberless treaties and other materials were collected from the Records of the Exchequer, since removed into the Chapter House; and also from the Cotton Library. Mr. Carte seems also to have been unacquainted with the condition of the State Papers, which were formerly kept in the Old Gateway at Whitehall, but which are now deposited within the buildings of the Treasury.”—Nichols, *Anecdotes of Bowyer*, page 194.]

historian hitherto has ever pretended to give us any account. In the archives of Durham, and other ancient cathedrals, are preserved a great number of Charters of our Kings, and other Records, of greater antiquity than any that are to be seen in the Tower. In the Tally Office are kept a prodigious number of public papers relating to the Reformation, and reigns of Henry VIII., Edward VI., Queen Mary, and Queen Elizabeth. Abundance of Grants, Orders of our Kings, and other instruments, are entered in the office of the Privy Seal, which never passed the Great Seal; and in the Household, or Greencloth. Records are preserved the most ancient Letters of Correspondence by our Kings and foreign Princes, reposed there before the Paper Office was erected. Besides these materials, hitherto untouched by any, there are vast quantities of others in the hands of private persons, and in different libraries of this kingdom.

Another very considerable body of materials, very proper, if not necessary, must be sought in foreign parts. There is always a continued intercourse of friendly or hostile transactions between adjoining countries; for which reason the Records of all nations furnish abundance of materials for the history of their neighbours. This I have observed particularly in France, where, in my searches for some years together after Records relating to England, I took notes, or made abstracts, of above a thousand instruments of Treaties and transactions between the two kingdoms, scarce any of which appear in Rymer. I have there likewise seen, in the Letters and Negotiations of French Ambassadors in England, much better accounts of our Court, of the characters of great men about it, and of transactions in this kingdom, than I have yet seen in any of our historians. These are the more to be relied on, because ambassadors always write truth to their masters, and relate things nakedly as they pass, without disguise, or reserve. In these are to be seen very curious accounts of verbal Conferences and Treaties of those Ministers with our Kings, their Privy Council and Secretaries, which being either heard by our Princes, or verbally related to them, are not here committed to writing, and are therefore nowhere to be found but in the relations thereof sent to foreign Princes. These Relations are very useful, not only to give us just accounts of public affairs, but also a true notion of the character, genius, capacity and judgment of our Kings. Thus, e. g. how great soever Queen Elizabeth appears in her actions, or is represented in history, she appears still greater in the negotiations of those ambassadors. The Comte de Beaumont was ambassador here, from Henry IV., in the two last years of her reign: he was obliged to have frequent conferences with her Majesty, the Lords and Committees of Council, about matters of commerce and state between the Crowns; and in his relations thereof, (whether it was owing to their being cramped by instructions, or to her greater experience,) she discovers, even in the decline of her life, a penetration, capacity, and judgment far superior to all her ministers. The same ambassador continued here the three first years of her successor;

and in his account of the like conferences with that prince, King James I., shew indeed a great sagacity, clearness, honesty and sincerity, in every part of his treating; but the trifling part of his character is still sure to betray itself, by continually interrupting the most serious and important debates by some question, or complaint, about a sermon preached at Charenton, a book of some Jesuit, or a thesis maintained in the Sorbonne. I have by me some transcripts of those negotiations; I have read others; and as the French are careful to preserve in their families all the acts of their ancestors, it will not be difficult to procure them for at least 200 years past; and as many of them consist of several volumes, (e. g. the Comte de Beaumont's of three, M. d'Effiat's of four, M. du Bellay's of five, and M. de Noailles's of six,) the copies thereof, with the vast number of Treaties and pieces to be transcribed from the French Records, will probably take up near 200 volumes in folio.

Besides all this, it will be necessary to make use of an infinite number of printed books, relating as well to our own history and antiquities as to those of adjoining kingdoms, and of the northern nations, from whom we derive our origin, or who by force settled themselves in this country. There must be a very great expense in the procuring of these. The transcripts of the French Negotiations and Records alone would, (if all were necessary to be copied,) at the rate of £5 a volume in folio, cost £1000. In the search of our Records in all the different offices above-mentioned, if one instrument in five hundred were to be copied entire, there would several thousands of them be transcribed. The Manuscripts in private libraries cannot be transported thence, their rules hindering the communication of them at a distance. Private persons that have Negotiations of their ancestors and other Memoirs and are ready to communicate them, may yet be unwilling to trust them out of their houses; and in such case it will be necessary to travel thither, (as it must always be in the case of Records of Cathedrals,) with at least one amanuensis, to make the quicker dispatch in copying entire pieces at the same time that extracts are making of others. There will be likewise continual employment for other amanuenses, for though every work, be it never so great, must ever be done by one man, and every material viewed and considered by him, yet he cannot be too well supplied with assistants to ease him of the dry labour of transcripts. For the accommodation of himself and these amanuenses, as well as for arranging and keeping the vast quantities and different kinds of materials in a proper order, he must have an house conveniently seated near the Cotton Library, Paper Office, and the Records at Westminster, which, with the necessity of living in London whilst those repositories of public papers are searching, and of corresponding with learned men both at home and abroad for the clearing up of ancient customs and usages, will be another occasion of great expense.

From these considerations it is manifest, that we never can have a good and instructive history of England, without the use of the materials be-

forementioned; that those materials cannot be procured without a vast expense, too great for any private purse to defray; and that as a man of the best capacity on earth cannot execute a work of that nature without being supplied with those materials, so it would be ridiculous in any one to attempt it without a proper assurance of being supported in the necessary expense. There is no reason, therefore, to imagine it will be ever set about till such assurance be given; and yet materials (at least those in private hands) are every day decaying and perishing, being subject to fire and various other accidents: so that the sooner public encouragement is given to the undertaking, the more likely will it be to be well executed; and in all cases, what is absolutely necessary to be done, cannot be done too soon. For these reasons, it is proposed to the Nobility and Gentry, and to all Corporate Bodies and Societies within the kingdom, to contribute to the charges of a work in which all their interests are concerned, and which, by a *Proposal for removing the Impediments of Writing an History of England*, printed last year, (21) I declared myself ready to engage in, if thereby enabled to procure those authentic materials, without which no history can be wrote, either for the instruction and benefit of this nation at home, or for its credit abroad.

In consequence of that proposal, and in order to make up a *Society for Encouraging the Writing of an History of England*, (of a like nature with the Society lately formed for the Encouragement of Learning,) several Noblemen and Gentlemen have signed an instrument, obliging themselves to contribute, the former their Twenty, the latter their Ten Guineas a year, towards the charges of the work and materials. These contributions are to be paid to a "Treasurer of their own appointment, and are to be issued out by him for those charges, in such form, manner and proportion as shall be directed by a general meeting of the contributors, or (if they shall think fit to order it) by a committee of their body; an account of the expenses thereof, as well as the progress of the work, being from time to time to be laid before a general assembly of the contributors, who (as in all reason they ought to be satisfied in both these respects) have the liberty of withdrawing their respective contributions whenever they please, and shall think fit to notify the same." Such are the terms of the instrument; and the subscription being now begun, it may not be improper for me to mention something of the manner wherein I propose to proceed in this undertaking.

An History of this Nation must begin with a Discourse upon the original Inhabitants thereof (which undoubtedly were the Britons), and the

(21) [In 1744, Carte printed a Tract, in 8vo. (pp. 38.) entitled, *A Collection of the several Papers published by Mr. Thomas Carte in relation to his History of England*. This tract comprises reprints of the General Account, and the above-mentioned *Proposal*: and also, *A Representation of what Mr. Thomas Carte hath done in the Execution of his Plan since the time it was first proposed.*]]

State of the Country under the Romans. It is not to be expected that we should be more happy than our neighbours, in having in those dark times any writers to convey to us a regular series of affairs, or historical passages. All that can be done at this distance of time, is to collect together all the scattered passages that are to be found in the works of the most ancient writers, who have had occasion to mention these islands, (in which I hope the assistance of learned men will not be wanting); and though little use can be made of these singly considered, some light may arise from them all assembled together. But the greatest helps are to be found in the disquisitions of our antiquaries upon the Roman names of places, encampments, and other remains in England, in which abundance of historical passages are rationally cleared up to the satisfaction of the learned world. Were the *Annals of Wales*, drawn up by the learned and judicious Mr. Vaughan, of Hengrot, (author of the *British Antiquities Revived*,) and sent by him to Archbishop Usher for his perusal and approbation, still in being, it would probably clear up to us many considerable points both of history and chronology in the times of the Britons. But after all, if this work should not be found, I am in hopes its loss may be in a great measure supplied by the papers of the late learned Mr. Edward Lhuyd, Keeper of the Museum at Oxford, who had the use of all Mr. Vaughan's Collections, and having with incessant labour and great exactness employed a considerable part of his life in searching into the antiquities and history of the Welsh, had perused, or collected, almost all that was ancient, or valuable, in their Manuscripts, transcribed all the old Charters of their Monasteries that he could meet with, examined into the antiquities of Ireland, Armorick Bretagne, and other countries inhabited by the same people, compared them together, and made his observations upon the whole, but died before he had digested them in the form of a discourse upon the original inhabitants of these islands. In order, therefore, to this first part of our history, I propose to go through Mr. Lhuyd's Collection, hoping they will afford something curious and instructive on the subject.

As to the times after the coming of the Saxons into this island, we must not expect many writers among a people more intent upon rapine and war than learning: nor, indeed, are there any more ancient than Bede, (whose History is chiefly, as well as professedly, ecclesiastical,) and scarce any of moment before the Conquest, besides Asserius Menevensia. But in all cases where such materials, as were to be wished, are not to be had, we can only make use of the best we have. Thus, to supply the defect complained of, we must have recourse to the Lives of Saints written by persons cotemporary with them, and to the Charters of Monasteries and Churches, great numbers of which are preserved in the Cotton and Harleyan Libraries, and in the Registers and Cartularies of Religious Houses, as well Welsh as English. It is evident that those who write the lives of saints, must necessarily take notice of the princes that either persecuted,

or protected, them, and of many passages relating to those princes. There is likewise a great connection between the civil and ecclesiastical history of a country: they are always blended together in old Chronicles and Charters; and the same pieces that convey to us the knowledge of bishops and abbots, the foundation, endowment and benefactions to churches and convents, acquaint us at the same time with the kings, princes, and great lords, that were the founders and benefactors. And whoever observes what use Sir William Dugdale, in his *Baronage*, makes of the Charters published in his *Monasticon*, for the giving an account of the actions of the most ancient barons by tenure, and their ancestors, in England, will see that considerable lights may be drawn from this source. The same appears from the first volume, lately published, of the *History of Languedoc in France*, a work undertaken by the encouragement of the States of that Province, who settled pensions on the Benedictines that were employed in it, and defrayed all the expense of searches and impression, and other incident charges necessary or useful to its perfection. This volume goes no further than A. D. 877, and yet it contains such a number of original Charters and Deeds, that it is amazing how so many could be found in a single province.

Other lights may be derived from a comparison of the many old Chronicles in the Cotton Library; for the authors thereof, like our old historians soon after the Conquest, borrow from one another, yet they would have been more useful if all these Chronicles had been reduced into one, the chronology well adjusted, the various facts mentioned in each arranged in their proper order in different columns, the principal thereof as the text taken from the most ancient, and continued downwards from time to time out of the Chronicles of such writers as were coeval with the facts they relate. Great helps are also afforded by the collections lately published of Saxon Laws and Councils, from the latter of which more accounts of civil matters may be expected here than in other countries, because our old councils were generally mixed assemblies of the great laymen and bishops, and both civil and ecclesiastical matters were treated therein. These, with the accounts which the old writers of neighbouring nations give of ours, and those which the Danish, Norwegian and Icelandic historians give of the frequent invasions of this kingdom by the Danes for the space of 200 years, and of the manners, usages and customs of that people, are the best materials we have for an history, or more general account, of affairs before the Conquest.

From that time downwards we are abundantly supplied with historians, English, Norman and French, giving ample accounts of that great revolution, and of the transactions of our princes, as well in England as in the dominions belonging to them in France. Some Italian writers lately published in *Muratori's Collection*, give us fuller relations of the expeditions of Richard I. and Edward I. into the Holy Land than had been preserved by our own writers. But in this great variety of historians, care

must be taken to examine their different accounts; and from the time of Richard I. such as are authentic may be generally verified by Records. For this purpose I propose to make a regular search through all our offices of Records in the Tower, Exchequer, &c., expecting from thence to be enabled, not only to clear up many historical facts that are disputed, mistaken, imperfectly related, or utterly unknown, but also to give a distinct and satisfactory account of great numbers of ancient usages and customs, which are not at present so clearly and generally understood as they deserve; and this, as occasions offer in the course of the History, I shall endeavour to do by particular dissertations, as the most instructive manner of treating such subjects, and the most agreeable to the reader. In this respect the Cotton Library will be of great service.

The Letters of our Ambassadors in the Paper Office will (as I have observed) supply one notorious defect in all historians, who never pretend to give us any account of a negotiation, or to show where the stress and difficulties of a treaty lay. The Rolls and Journals of Parliament, the Books of the Privy Council, the Accounts of the King's Household, the Greencloth Records, the Papers in the Privy Seal and Signet Offices, those of the reigns of Henry VIII. and Edward VI. in the Tally Office, furnish an infinite number of materials for every part of our history; and the Cotton Library hath an immense number of pieces that serve by way of supplement to those offices, which, having by some means or other been got thence into private hands, were recovered to the public use and collected together by the care of the founder of that Library. All these must be thoroughly searched; and though extracts of most of the papers there may generally suffice for the use of an historian, yet an infinite number will be found of such importance, that it will render them necessary to be copied entire.

After all, though we have so vast a quantity of materials for an English History in our own nation, it will be still necessary to consult the Records and repositories of papers in other countries, particularly in France, with which kingdom, from the time of William the Conqueror, we had for some hundreds of years a perpetual intercourse and disputes, by reason of the dominions which our kings possessed in that country. The Records there preserved in the *Tresor de Chartres*, the *Sainte Chapelle*, and the *Registres du Parlement de Paris et de la Chambre des Comptes*, furnish (as is said before) above a thousand instruments of Treaties and transactions between the Crown of France and England that are not in Rymer, the titles, notes, or abstracts, whereof I have taken from thence, and have now by me in two volumes in folio. And as to the Negotiations of French Ambassadors in England, of which I have already expressed so high an esteem, (which is fully justified by the entire copies I took of some of them, and by what I have read of others,) I have hereto annexed a Catalogue of those which I have observed at Paris, and as soon as I get from the Jewel Office (whence presents are usually made

to Ambassadors at parting) a full account of the rest that have resided here, I am persuaded I shall easily discover where their Negotiations also are preserved.

As the first step in order to a building is to collect the materials for it, I propose, as soon as I am enabled by a proper subscription, to procure a general order (as hath been granted to Rymer and others) to search into all offices of Record and repositories of papers here, and take copies by myself, assistants and amanuenses of such pieces as I shall find necessary for my work. The first use I shall make thereof will be to go to the Exchequer Records, to see what Treaties are there enrolled, and consequently wanting in Rymer, whose first twelve volumes were taken out of the Records in the Tower, and the rest out of those in the Chapel of the Rolls. These I propose to get first transcribed, and think it would be proper to publish them by way of *Supplement to the Fædera*, and the rather, because they may be more readily made use of when printed in order than they can be whilst they remain in manuscripts.

Having furnished myself with the dates, &c. of all the public Treaties relating to France, that are either in Rymer, or in any of our Records, and compared them with my own extracts and notes of what I have seen in the French Records, I propose to go to Paris to complete the series of transactions with that Court out of their Records, and to procure likewise transcripts of the Letters and Negotiations of their Ambassadors in England. I flatter myself with the hopes of finding a greater facility herein than a person less known in that country. Many of these Negotiations are in the King's Library, which, by the accession of the libraries of M. Colbert, M. Baluze, the President de Mesmes, and other great men, is now much better stored in this respect than it was when I left Paris: and no copies can be taken of these without the order, or license, of the *Garde des Sceaux*. This post is now remitted to the Chancellorship in the person of M. D'Aguesseau, to whom I had the honour to be known, and was favoured by him with the use of the Manuscripts of his own library whilst I continued at Paris. He is a very learned and very communicative man, and there will be little difficulty in obtaining such a license from him; but if he should be soon succeeded by a person of a more narrow, or bigoted, spirit, it may probably become impracticable; so that this is a matter fit to be done without any delay. I shall have at the same time an opportunity of reading over great numbers of original Letters, wrote by different Princes of Europe (in which those of England are included) to the Kings of France, the Instructions given to the French Ambassadors, Dispatches of their Ministers and Secretaries of State, and Acts of Treaties for many reigns backward, and other curious manuscripts of Letters and Memoirs of State, besides *Robert Wace's History of the Dukes of Normandy and Conquest of England*, and other Histories of our English affairs, which are preserved in manuscript in the King of France's and other libraries at Paris, and have never yet appeared in print. Who-

ever reads P. de Long's Catalogue and Accounts of the Memoirs and Letters above-mentioned (in his *Bibliothèque Historique de la France*), will easily guess that a large quantity of very curious extracts may be made from thence for clearing up historical facts, and probably many pieces to be copied entire.

Having provided myself with these materials in France with as much diligence and expedition as is possible, I then propose to go through our Records in England, and thence take such notes and transcripts as will be necessary. My first search will be general, being intended, by a view of the whole, to enable me to distinguish what kinds of them are to be used in each reign, and to discover whether, in some unobserved and unaccustomed office, there may not be found an hidden treasure of useful papers and materials unknown before, and of higher antiquity than could easily be imagined. I shall next set myself to extract, or transcribe, the particular Records necessary, which must be a work of time, and wherein I must begin with the earliest, because they are first to be used. But the proposed previous general view of the whole materials seems to me to be necessary for enabling me the better to ascertain the arrangement of the particulars, which, if they relate to any usage, or matter, of antiquity, must be according to the subject: and if to any historical fact, in the order of time; that so, without any trouble, or confusion, I may be sure of having before me every material relating to any subject, or reign, when it comes to be the subject of my writing. The like arrangement must be made with regard to the infinite number of printed books, &c. which it will be necessary for me from time to time to consult and compare.

There are doubtless great numbers of valuable materials in private hands, and as it may reasonably be imagined these do not relate to the earliest times of our history, it may possibly be deemed not so necessary to procure them immediately. But certainly it must be thought proper to consult such materials whilst they may be had and the owners are willing to communicate them; and one cannot too soon collect all that will be useful, in order to the arrangement thereof.

This is only a general sketch of the method in which I propose to proceed, and which I shall submit to the judgment of the Society, or the learned Committee, to whom they shall delegate the care of their affairs. It appears thereby that I have cut out labour enough for myself; for the collecting of the materials, the search of all Records and papers, the making extracts thence, the digesting them in a regular order for use, and, in fine, the entire composition of the History can be done by none but myself. But, however great the fatigue, and how continual soever the application must be, I find zeal and inclination enough to go through it, perhaps in less time than can easily be imagined. For as I have in the course of my life been constantly observing where any materials for such a work are preserved, the less time will be taken up in collecting them, if I be sufficiently enabled to defray the charges thereof; and on this supposition, I am persuaded that I shall be able in seven years to bring

our History down so low as the Revolution. 'Tis a space of time to which it may not unreasonably be presumed my life may extend, and I hope my constitution will enable me to hold out to the end of a work, which, as it is now likely to be composed upon better materials, must (if it be not the writer's fault) be better executed than any modern History whatever. But (to suppose the worst) in case it should prove otherwise, the materials provided and digested, as far as they go, will be still in being, and at the disposal of the Society, and ready for the use of any other person, whom they shall think proper to continue and finish the work. (12)

THOMAS CARTE.

London, April 25, 1738.

The Materials for the History of Britain.—Pages 145—172.

"The plan of Bouquet will not be followed, in respect to the extracting so much from each author as belongs to a reign, or a century; but every author will be given at once, with the additions made to his work, if any such occur. In this part of the plan, Bouquet's edition, though perhaps more advantageous to the modern compiler of history, presents many embarrassments to the reader, or consulter, of ancient historians; and each production appears in such a state of mutilation, as not only to give additional labour, but some distrust that there may be a defect.

"In the compilation of a work intended to be complete in itself, and to present to the reader an universal body of ancient English history, it has appeared indispensable, and is consonant to the opinion of the best judges, that those parts of the Greek and Roman writers, which relate to this island, should be extracted, as has been done with regard to Gaul in the edition of the French historians. But even this part will not be deficient in new advantages. The extracts from Cæsar shall be collated with the *Editio Princeps*, and others, the best editions: nor shall a similar care be wanting in regard to Strabo, Tacitus, Herodian, the Panegyrists, Ammianus Marcellinus, &c.

"Of Ptolemy's Geography, the original of which was published from a bad MS. by Erasmus, valuable variations have been printed by Montfaucon in his *Bibliotheca Coisleniana*: and the third volume of the minor Greek geographers presents various readings of Guido of Ravenna; all of which, and in short all the latest discoveries concerning the extracts used, shall be carefully given.

"To the extracts from the Greek and Roman writers succeed Gildas, Nennius, Beda, with the chronicle at the end, collated with that in the Heidelberg edition; some passages of Alcuin; Eddius, Fredegod, Assearius: extracts from ancient lives of Saints, the lives of Offa, Edward the Confessor, Emma. These are to be followed by two of the largest Saxon

(12) [A list of the French Embassadors in England, from 1396 to 1689, is annexed to the original publication (in quarto), and also to the reprint of 1744.]

Chronicles, translated by skilful hands, and collated with all the others; with *fac similia* of the autographic Chronicle begun in 891, and continued by divers hands till 924, and after to 1075. This invaluable monument is preserved in Bennet College, Cambridge, whence it was published by Wheloc, but in a careless manner. Extracts from the Icelandic authors, but only in the Latin translations, shall next be given, with any other passages, though rare, to be found in extraneous writers concerning Britain during this period. Nor shall the Saxon laws be neglected, nor such genuine charters and coins as illustrate history.

“ In the twelfth and thirteenth centuries the original historians of England are numerous and intelligent; and many of them eminent in style and ability. The fourteenth century rather declines; but after Walsingham, the last of our early Latin writers, deserving the name even of an annalist, the series closes almost in darkness, just before the dawn of the revival of letters. Hence, of the domestic transactions of the fifteenth century, during the reigns of Henry VI., Edward IV., Richard III., and a part of that of Henry VII., or from 1422 to 1500, we have but little and unsatisfactory evidence. The French contemporary writers supply a great part of the chasm. Fahian, and the other early chroniclers of the sixteenth century, must likewise be extracted; but any MS. annals of those reigns are of singular value, and every care shall be exerted to procure them, and print them in the manner that Godefroy has published the French historians during this, the fifteenth, century.

“ At the year 1500 the compilation will finally close, there being no occasion to throw further light on centuries completely luminous.

“ The manuscripts and editions shall all be carefully collated, and any variations of consequence annotated at the bottom of the page. Numerous chronicles and historic articles still remaining in MS. shall be inserted in their proper places, and no research shall be spared in libraries, foreign and domestic, to recover any valuable documents.

“ As the work is national, and can interest only a few curious foreigners, to whom the English language is known, and as many matters both important and minute, can be far more clearly conveyed to the English reader in his own speech, than in the Latin, the editor has been advised to give the prefaces, chronological tables, and illustrations, in English; but the Latin shall be preferred, if more agreeable to the favourers of the publication.

“ To the first volume will be prefixed a general review of the early English historians; and a preface to each volume will present a literary notice of the authors contained in it, their lives, periods, works; editions and manuscripts consulted. A large chronological table of all the events will be prefixed to each volume: and in addition to the indexes, on the plan of Bouquet’s, and which, as in a book of consultation, shall be very ample, one will be added of manners and customs.

“ The names of Du Chesne, Leibnitz, Muratori, Bouquet, Langebek,

editors of vast works of this nature, sufficiently indicate that the united toils of a society are so far from essential to a publication of early historians, that, on the contrary, scarce one can be named produced by a literary association. The want of unanimity, the delays incident to democracies of all kinds, the power of accident, more extensive when spread over a wide surface, present obstacles to the labours of many, which are unknown to the industry of one. Yet assistance will be called in when necessary or expedient, and the advice of the best judges will be requested and venerated."—Pinkerton—*Extract from an Address to the Eminent, the Learned, and the Lovers of the early Literature and History of England, concerning an intended Publication to be intituled "Rerum Anglicarum Scriptores;" or a Collection of the Original Historians of England, chronologically arranged; collated with the Manuscripts, illustrated with Notes, Chronological Tables, Maps, Complete Indexes, &c.—Gibbon's Miscellaneous Works, vol. iii. pp. 586—590.*

[See *Reliqua Pinkertoniana—Catalogue, Longman & Co. 1829, p. 292.*]

The Regium Majestatem.—Page 210.

[“Malcolmi II. Leges collegit et edidit J. Skeneus.—Sed ne genuianas vereor.” O’Conor—*Rerum Hibernicarum Scriptores*, tom. ii. p. 281.]

Acta Dominorum Auditorum.—Acta Dominorum Concilii. Pages 218—224.

[Since these pages were printed a Document has come to the hands of the Compiler, that must effectually remove the doubts respecting the existence of these works, to which the circumstance of the late respectable Secretary to the Record Board having no recollection of any such publications has, in despite of reports and returns, printed and manuscript, naturally given rise. The following are extracts from the Document in question:—

1000 Copies <i>Acta Dominorum Concilii</i> , 109 sheets pica, folio; printed with abbreviated types	£.	s.	d.
1310	13	10	6 7
2 Fac-simile Engravings from Records, for ditto	38	0	0
1000 Copies <i>Acta Auditorum</i> , 63 sheets pica, folio; printed with abbreviated types	756	18	3
2 Fac-simile Engravings from Records, for ditto	44	14	0

The date prefixed to these items is the 2d of November, 1816, and the amount of the monies therein mentioned was not long afterwards paid to his Majesty’s Printers for Scot-

land out of the fund placed by Parliament at the disposal of the Record Commissioners.]

Abridgement of the Records of Charters, or Register of the Great Seal.—Pages 231—237.

[Six sheets of this work (forming probably those mentioned *ante*, p. 234, note 13,) are now in the possession of the Compiler. They are entitled—*Registri Magni Sigilli Domini Jacobi I. Regis Scotorum Abbreviatio, Ratione Temporis, Ordine disposita*. The first and earliest instrument in this Abridgement is dated Perth, 2 June, 1424, “Rex et Tres Status Regni sui (in Parliamento apud Perth, 26 Maii, 1424,) decreverunt quod Dominus Willemus Drakis, Monachus de Dunelm. Anglicus, fuit et est in possessione legitima Prioratus de Coldinghame; sed quia dictus Prioratus adustus erat per Anglicos et destructus, preceptum fuit eidem Domino Will. Drakis, quod dictum Prioratum reparari faciat, &c.”]

The First Volume of the Acta Parliamentorum Scotie.—Pages 248—258.

[The Document mentioned in the preceding note (p. 472) respecting the *Acta Dominorum*, comprises many items of expenditure upon engravings intended for the first volume of the Acts of the Parliaments of Scotland, which the reader, when he is informed that no traces of such an outlay can be found in the proceedings of the Record Commissioners, will probably consider are not improperly inserted in this place.

Feb. 21, 1818.—To Coloured Fac-simile Engraving of <i>Littera Communitatis Regni Scotie</i> , A. D. 1320	L.	s.	d.
1320	408	5	6
To ditto <i>Responsio Magnatum Scotie</i> , A. D. 1308	117	13	9
To ditto <i>Contributio pro Domino Rege de tota Scotia</i> , A. D. 1326	115	5	9
Aug. 7, 1822.—To paid for Fac-simile Engraving of a large Plate of an Ancient Deed (A. D. 1373,) with Seals, for Vol. I. of the Acts of the Parliaments of Scotland, 1050 copies, coloured after the original	329	19	0

Apr. 11, 1823.—To paid for Fac-simile Engraving of a large	£. s. d.
Plate of an Ancient Deed, (A. D. 1371,) with many Seals, for Vol. I. of the Acts of the Parliaments of Scotland, 1050 copies, coloured after the original	381 5 3
Aug. 8, 1823.—Paid for colouring Fac-simile Engraving for Vol. I. of the Acts of the Parliaments of Scotland, and carriage from London	75 12 9

The same Document also contains the following item:—

May 15, 1820.—To paid for cleaning and re-touching Copper-plates of Fac-simile of Ancient Writings; and for packing and insuring against sea-risk Copper-plates sent to London by direction of his Majesty's Commis- sioners on Records	51 11 1
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Mr. Caley can give no information respecting the fac-similes, the copper-plates, or the direction for packing and sending to London; and the proceedings of the Commissioners present, upon this subject, the same blank as the worthy Ex-Secretary's memory.]

Liber A. preserved at the Chapter House. Page 291. (See also, p. 113, and Part I. p. 179.)

[From Manuscript Collection.]

Report on Liber A. preserved at the Chapter House.—Liber A. is one of two large folio volumes marked A. and B., which are preserved in the Chapter House, Westminster, in the custody of the treasurer and chamberlains of his Majesty's Exchequer. These books have, it is believed, been invariably kept in the custody of those officers from the reign of Edward the First, (when they were written,) to the present time, inasmuch as there are in them entries of Recognizances and Bonds from the subject to the king, and marginal memorandums of such instruments being afterwards delivered up to the debtor out of the Exchequer by command of that Court, and of a Quietus being ordered. “Scriptum Archiēpi Eborā p quod obligatur Dño Regi in iiiij^o milibz marc’.”

In the margin is written:—“Exh apd Sēm Edm de Pcepto R & liber' Dño Johi de Leyk exec' tēsti ej'dē Epi

in p̄sen* Dñoꝝ Dunolm & Eliens Ep̄os & Dñi W. de Lanḡ Covent' & Lich Elci et p̄ hoc mand fuit iþis de Sc̄cio qd dcm Archiep & exec' suos aqetarēt de debito antedco xxiiij die Meñs Novemb̄ nūciāte Dño J. de Brok' tūc Thēs Garder'.

As to the authority of Liber A., as a Record, or Inrolment, it is conceived that the entries therein ought to be admitted as evidence in case of the non-existence of the original instruments, because the Court of Exchequer has regarded both books as Registers, or Inrolments, and the Entries are in many instances stated to have been examined (as 'tis presumed) with such originals: "Ex." and "Examnat."

In the Calendar of the Instruments contained in Liber A. are the following Entries:—"Omnes iste inquisicōes & extente fce occ'oe ville de Hull liberate fūnt W. Bathon' & Welleñ Epō Thēs Sc̄cij p m⁹ Abb̄tis de Melsa sub sig' J. de Drokensf' vidz xxj die Junij anno xxij."

Again:—"Iste due non regist'nt. in hoc libro quia fūnt sigillate."

In the calendar to Lib. B. there occurs this entry opposite to the title of an instrument, "non registratur;" the instrument is not found in the Book.

Like the *Liber Feodorum* these Registers seem to have been made with a view to the convenience of the Court, to save both trouble and hazard of loss, in sending on every occasion for the original, and they were in all probability resorted to by the Court, as in case of the former work, "pro evidentiâ sed non pro Recordo."

Mr. Rymer has transcribed several instruments out of these Registers, and refers to them as Liber A. and Liber B.—Vide *Rymer*, Vol. ii. pp. 172. 210. 336. 380, and *passim*. They contain entries of Papal Bulls, Treaties of Peace, Correspondence with the King's Ministers and others, several statutes *temp. Edw. I.*; instruments relating to Wales and Ireland, Charters of Grant and Feoffment by and to the King and between party and party, Concords of Fines, Extents of Manors, Recognizances, Bonds, and

various other instruments in the reigns of Henry III. and Edw. I. It is believed, there is no entry therein of any instrument of a later date than a° 1293; the 22d Edw. I. The Statutes are:—Liber A. folio 260, Statuta Westm ultimo edita anno regni Regis E. fit R. H. &c. decimo; folio 271 d, Statuta p mercatoribꝫ & malis debitoribꝫ; fo. 272 d, Statuta Glouc' in lingua Latina; fo. 276, Statuta Glouc' in Gallica; fo. 278 d, Explanations articulorꝫ Stat Glouc'.

The originals of many instruments registered in these books are, 'tis presumed, kept in the Great Chests in the Chapter House, particularly the Papal Bulls and Treaties of Peace, but as the instruments in those chests (which are chiefly of the two latter species) are not in any order of arrangement, it would require considerable time to ascertain that fact; still, it is conceived, none of the statutes exist therein, because Mr. Agarde, who made a calendar of the contents of the chests, makes no mention of the statutes above enumerated.

It is conceived, there can be no doubt of the propriety of a copy being made of the calendars to the numerous and important instruments registered in the books in question. (13)

Red Book of the Exchequer—Examinations, or Depositions, of the Witnesses, relating to the Donation made by Isabella de Fortibus to Edw. I. of the Isle of Wight, &c., taken according to the forms of the Civil, or Canon, Law. Page 322. (See also pp. 315. 317, and Part I. p. 255.) [A copy of these Depositions has been made at the Compiler's request. They are as follows.]

Examinações quoꝝdam sup confecçãone Carte Comitisse Albemarl facte Dño Regi de quibꝫdam terrꝫ de quibꝫ infra fit mencio & de reddicōne eaꝝdem.

Waltus Coventrꝫ & Lichf Epus dicit qđ Epus Dunelm mandavit ei qđ statim occurreret ei apud Stokewell videt

(13) [The date of the foregoing Report does not appear, but it must have been made at an early period of the labours of the Record Board.]

die lune ante festum S̄ci Marci in anno &c. ob quod mandatum idem Waltus ibidem venit eodem die c'ea horā p'mam et ibi ex mandato p'dēi Epi Dunolm fecit & se'psit quādam Cartam in quodam Gardino que in se continebat qd̄ Isabella de Fortibz Comitissa Albemarle concessit & reddidit Dño suo Dño Regi Angl Insulam de Wyght maner̄ de Cristecherch & maner̄ de Faukeshaft cū ptin & quietū clamavit de se & heredibz suis p'deo Dño Regi & hered suis impetuū et Cartam illam libavit p'sato Epo Dunolm qd̄ cum eadem adivit p'dēam Comitissam ad cōsignand et postea reportavit eādem Cartam ipi Walto sigillo p'dēe Comitisse signatā Et dicit qd̄ postea quando p'satus Epus Dunolm retornavit ad p'dēam Comitissam ad licenciā suam de ea capiend ipe Waltus cum p'sato Epo int'vit Camerā ubi p'sata Comitissa jacuit c'ea horam tēiam et audivit eam loquentē cū p'deo Epo.

Frater Willus de Gaynesburgh dicit qd̄ ipe fuit Confessor p'dēe Comitisse p quatuor annos ante mortem suam et qd̄ ipe ad mandatū p'dēe Comitisse venit ad quoddam manerū de Sutton ext' Dertford ubi eadem Comitissa in veniendo de Cantuar' cepit infirmari et sic fuit continue cum eadem ibidem et apud Stokewell usq; ad mortē dēe Comitisse. Et dicit qd̄ fuit p'sens p'deo die lune quando p'deus Epus Dunolm venit ad Comitissam apud Stokewell & vidit & audivit ubi p'deus Epus allocutus fuit eandem sup quadam plocuēone inf dñm Regem et ipam p'us habita de Insula de Wyght mafus de Cristechirch et Faukeshall cum ptin et ab eadem si ad tunc esset in eadē voluntate reddendi p'dēa Insulan & maiſū Dño Regi sicut antea plocutū fuit que dixit qd̄ sic quesita eciam p ipm Epm si vellet qd̄ Carta inde fieret dixit qd̄ sic. Et tunc fidēus Epus fecit p'dēm Waltm scribe p'dēam Cartam qua se'pta idem Epus reportavit eam coram eadem Comitissa & eam coram ipa Comitissa in p'sencia ipius fr̄is Willi Gilbti de Knovill Galfri Capellani Aguetis de Monceals domicelle ejusdem Comissee & pluriū alioꝝ de familia Comitisse Cartam illam fecit legere & a p'dēa Comitissa quesivit si vellet qd̄ Carat illa sub illa forma signaret que dixit qd̄ sic et

loc dicit ut credit

Precepit p̄d̄cē Agneti qđ sigillū suū deferret ad Cartā illam consingnand qđ sic f̄cm est post cujus cōsignacōem in p̄sencia p̄d̄coz f̄cam eadem Comitissa tradidit p̄d̄co Ēpo p̄d̄cam Cartam & seisinam p̄d̄coz Insule & manioz in p̄d̄ca Carta contentoz in manus īpius Ēpi nōie Dñi Regis & ad opus ejusdē p̄ cirotecas īpius Ēpi quas eadem Comitissa in manū suā tenuit ex mera voluntate sua & sponte reddidit et postea c̄ca horam faciam quando idem Ēpus sic recesserat eadem Comitissa sic requievit Et postea idem fr̄ Willus post horā nonā rogavit p̄d̄cam Comitissam qđ testamentū suū faciat que respondit qđ si ita fatigata fuit qđ multū laboraret timebat sibi p̄ hoc ḡvari multum & debilitari set postea īpa Comitissa post horam vespaz p̄ īpm fr̄m Willm requisita de eodem faciendo fecit testamentū suū & nōiavit p̄ digitos suos Executores suos videt Ab̄btem de Quarrera p̄orem de Brommore p̄orē de Cristechirch Gilbtm de Knovitt & sic fatigata quievit Et postea p̄ aliquod tempus fecit communicari p̄ īpm fr̄m Willm ad hoc faciend revestitū et toto tempe p̄d̄co erat bone & sane memorie et postea inf̄ medium noctem & aurorā expiavit.

Rīcus de Aston miles dicit qđ īpe fuit Senescallus Hospicii d̄ce Comitisse p̄ magnū tempus ante mortē suā & tunc et qđ p̄ decem annos & amplius p̄locutū fuit int' Dñm Regem & īpam de redditōne p̄d̄coz Insule & manioz cū ptiñ p̄d̄co Dño Regi faciend p̄ quatuor mille libris & sic semp cōtinuavit voluntatē illam. Ita qđ causa illius voluntatis sue pficiende arripuit iter suū versus Cantuar' p̄ London ubi Rex tunc fuit et sup hoc locuta fuit cū Rege & Rex ei respondit qđ satis tempestive hoc face posset in reditu suo de Cantuar' Et postea quando īpa rediit de Cantuar' & fuit apud Stokewell die lune p̄d̄co omia p̄d̄ca que frater Willus dixit & modo quo dixit īpo et aliis p̄nōiatis p̄sentibz scientibz videntibz & audientibz f̄ra fuerunt et qđ p̄d̄ca Comitissa bone mentis & sane memorie fuit dicit eciam qđ audivit d̄cam Comitissam sepius in vita sua dicentem qđ eo libencius reddere p̄dcā Insulam & maneria Dño Regi vel alii venderet p̄ eo qđ heredes sui ita

remoti a sanguine suo fuerunt qđ p̄pinquior heres ej⁹ iſam potuit desponsare si virum vellet h̄re et qđ pp̄ hoc aliquando locuta fuit cum Coñ Marescall sup vendicōne p̄dcaz terraz & aliaz Walfus Ep̄us p̄d̄us Comes Lincoln & Comes Warenñ testant' qđ Ep̄us Dunołm coram eis dixit qđ p̄dca Carta f̄ca fuit in forma p̄dca Et qđ reddicio sibi nōie Dñi Regis de p̄d̄is Insula & maneriis cum ptiñ f̄ca fuit ut p̄d̄m est et ex bona voluntate d̄ce Comitisse & qđ īpa Comitissa fuit bone memorie & sane mentis. Et quia a quibzdam d̄cm fuit qđ p̄d̄us Ep̄us Dunołm coram Archiepo Cantuar' dixisse debuit & cognovisse cont'riū f̄ci p̄dci Epi quesierūt ab eodem Epo si sic dixisset qui hoc oīio negavit nec fuit intençōis sue aliquid dicē coram d̄co Archiepo aut aliis de p̄d̄is Insula aut maneriis nec dixit nisi de aliis terr' que fuerunt p̄d̄e Comitisse & de hereditate Hugonis de Courtenay ut de terris Devoñ.

Gilbtus de Knovill dicit qđ p̄ma locučo f̄ca fuit apud Bristoll quando Comitissa de Bares desponsata fuit inf dñm Regē & Iñ Comitissam Albemarl p̄ Ep̄m Dunołm & Ep̄m Coventr' nūc tunc Theñ de Garder' mediatores de terra de Insula de Wyght Cristechurch cū ptiñ & simili de Faukeshall de quibz p̄us habita fuit locučo inf eādem & Coñ Marescall et dicit qđ postea in Vigilia S̄ci Martini eodem anno quo Comitissa obiit apud Stokewell venerūt p̄fati Epi & arrenarunt p̄fatam Comitissam ex pte R̄ sup p̄missis. Ita qđ cōvenit de p̄d̄is terr' qđ Rex solveret eidem Comitisse sex mille març p̄ p̄d̄is ter̄ & eadem Comitissa eodem die reddidit in manus p̄dci Epi Dunołm p̄d̄as terras ad opus Dñi Regis & remisit & quietū clamat̄ de se & hered suis Dño Regi & heredibz suis impetuū p̄ut Carta quam Rex inde h̄et testat'. Et dicit qđ p̄dci denar' solvebant' in festo S̄ci Martini sequenti in domo Epi Dunołm London m̄icatoribz de spina Ita qđ īpi responderent executor' d̄ce Comitisse cum illas peñent et de tempe reddicōnis in manu Epi & cōsignacōis Carte & eciam de memoria & de bona voluntate & de tempe mortis p̄d̄e Comitisse concordat cū p̄fato fr̄e Wifmo prēlea dicit qđ p̄fata Comitissa dixit qđ si īpa virum h̄re vellet qđ p̄

pentela bene posset ſtre in virum p̄dcm Hugonē de Courtenay si ipe esſet plene etatis. Et dicit qđ tempe reddicōis fuerunt pſentes oīes p̄nōiati Agn̄ de Mounceals Joñna de Marroys & Rogus de Gardino & alii de quoꝝ nōibꝫ ignorat.

Et quia totū negociū f̄cm fuit p Epm Dunołm & deductū & in pſencia p̄dcoꝫ Gilbti de Knovit & Galſri Capelli ut p̄dcm est necesse est ut veniant et audiant ad informand animū Dñi R & similiꝫ qđ Carta Comitisſe videat sub cera.

Ista Examinaço pſc'pta f̄ca fuit in pſencia Dñi W. Conven & Lich Epi Comitis Lincoln Comitis Warenñ Joñnis de Berewico Rog'i le Brabazon Joñnis de Metinghñ Joñis de Drokenfford & Gilbti de Roubyry &c.

Et memoꝫ qđ evidencie p̄dce una cū quodam bri de Magno Sigillo directo Gilbto de Roubur ad liband in Thesauraria oīia sc'pta munimenta & memoranda terras & teñ p̄dca qualitcūq; tangencia libate fuerūt Camerar &c xxviii die Maii anno octavo ad custodiend in Thesaurar R &c.

Transcripts from the Patent and Clause Rolls, Rolls' Chapel,—I to 19 Henry VII. Page 376.

[The Patent of the 3d of February, 1498, granted by Henry to Sebastian Cabot, which is alleged to establish “conclusively and for ever, that the American continent was first discovered by an expedition commissioned to ‘set up the banner’ of England,” is not contained in this collection. It is said to have been discovered recently, after a tedious search.—*Memoirs of Sebastian Cabot*, p. 76. The collection, however, contains a transcript of the patent, dated 19th March, 1501, granted by the same monarch to Richard Warde and others, to undertake a similar voyage of discovery: and which, it is stated, in the above cited work (p. 226), was also discovered, after a tedious search, at the Rolls Chapel. The transcript, however, was made several years ago, and the existence of the original must, therefore, it is presumed, have been well known to the officers of that establishment.]

(481)

CALENDAR
TO FACILITATE THE CALCULATION
OF
The Dates
OCCURRING
IN OUR ANCIENT RECORDS
AND
HISTORIANS.



[*From a Document partly Printed and partly Manuscript.]*

THE following Calendar is intended to facilitate the calculation of the Dates occurring in our Antient Records and Historians ; and it therefore comprehends the fixed Festivals and Saints' Days, observed, or commemorated, according to the usages of the Church of England, anterior to the Reformation. Very many Saints, whose anniversaries appear as Festivals, or as days of observance, or commemoration, in the Roman Calendar, or in the Calendars of the other Continental Churches, but whose Names do not appear in the English Calendars, are necessarily excluded. It is familiarly known, from the Preface to the Common Prayer Book, that the Liturgies of England were divided into the Usages of Salisbury, Hereford, Bangor, York, and Lincoln ; besides which it appears that minor liturgical variations obtained in particular Dioceses and Churches, especially in the North. Of these Liturgies, the Usage of Salisbury was the most generally adopted ; and from the Calendars prefixed to the printed Salisbury and York Missals, and to the MS. Missals of Durham [Bib. Harl. 5289] and St. Paul's [Bib. Harl. 2787], the Festivals of observance in this Calendar have been collected. It would have been desirable to have consulted the Liturgies of Hereford, Bangor, and Lincoln, but they have not yet been discovered ; and it is possible that the strict execution of the Statutes of the 3 & 4 Edw. VI. and 3 Jac. I., directing the Destruction of " Popish Books and Reliques of Popery," may have occasioned the entire loss of these Rituals. The Salisbury Missal is a work of common occurrence, but the York Missal is extremely rare ; and it is doubtful whether any perfect copy exists, except the one preserved at Cambridge in the Library of St. John's Col-

lege. (1) The Saints' Days, whereof the observance was confined to particular churches, or which were only commemorated and not observed, have been inserted from the *English Martyrologie* (2) corrected by reference to the History of Venerable Bede, and to Capgrave's *Nova Legenda Angliae*. These sources have been considered as sufficiently ample and correct for the present purpose ; but had it been intended to frame a Calendar with reference to Ecclesiastical Antiquities, much farther investigation would have been required.

(1) *Missale ad Usum Ecclesie Eboracum, sumptibus Francisci Regnalt.* Parisiis, 1533.

(2) Printed, *Permisi superiorum, no place mentioned, [probably at Douay],* 1640.

JANUARIUS.

1	Kal.	Circumcisio Domini. Medwyn.
2	IV	Oct. S. Stephani Protom. Mille Martyres apud Lichefeld.
3	III	Oct. S. Johannis Ev. Theodoric, R. & Mar. Genovefa Virg.
4	Prid.	Oct. S.S. Innocentium M. M. Chroniacus, Conf. Rumonus, Ep. & Conf.
5	None	Oct. S. Thomæ M. Dep. Edwardi R. & Conf. Symeon, Monachus & Conf.
6	VIII	Epiphantia Domini. Petrus, Abb.
7	VII	Cedde, Ep. & Conf. Julianus & Maximianus, M.M. Felix & Januarius.
8	VI	Lucianus, Presb. Wulfainus, Ep. & Conf. Pega. Virg.
9	V	Brithwald, Ep. & Conf. Adrianus, Abb. [Deductio Christi in Egyptum.] Julianus, Mart. & Basilissa sponsa ejus.
10	IV	Paulinus, Er. Sethrid, Vir.
11	III	Duffus, R. & Mar.
12	Prid.	Benedictus Biscop, Abb. Alured, Abb. & Conf. Arcadius.
13	Idus	OCT. EPIPH. Remigius. Hilarius, Ep. Kentigern, Abb. & Conf.
14	XIX	Felix, Presb. Beno, Presb. & Conf.
15	XVIII	Maurus, Abb. Ceonwulf, R. & Conf. Antonina, Vir. & Mar.
16	XVII	Marcellus, P. & M. Henricus, Conf. & Er. Furseus, Abb. & Conf.
17	XVI	Sulpitius, Ep. & Conf. Anthonius, Abb. & Conf.
18	XV	Prisca, Vir. Deicola.
19	XIV	Walstan, Ep. & Conf. Germanicus, Mar. Marius et Martha. Canutus, R. & Mar.
20	XIII	Oct. Hilarii. Fabianius & Sebastianius, M. M. Ricardus, Conf. & Er. Eglodius, Mon.
21	XII	Agnes, Vir. & Mar. Ermenburga, Reg. & Abb.
22	XI	Vincentius, Mar. Brithwold, Ep. & Conf.
23	X	Theorgith, Vir. Emerentiana, Vir. & Mar.
24	IX	Babillus, Ep. Timotheus.
25	VIII	CONVERSIO S. PAULI. Boisius, Abb. & Conf. Itha, Vir. Prejectus, Mar. Cadocus, Ep. & Mar.
26	VII	Policarpus, Ep. & Mar.
27	VI	Quind. Hilarii. Julianus, Ep. & Conf. Palladius, Ep. & Conf.
28	V	Sexulphus, Ep. & Conf.
29	IV.	Gildas, Conf. & Er. Serena, Virg. Valerius, Ep.
30	III	Bathilda, Reg. & Vir. Gildas.
31	Prid.	Wilgis, Abb. & Conf. Ignatius, Ep. & Mart.

FEBRUARIUS.

1	Kal.	Brigida, Vir.
2	IV	Burificatio S. V. St. Laurentius, Ep. & Conf.
3	III	Cras. Pur. Blasius, Ep. & Mar. Wareburga, Vir.
4	Prid.	Gilbertus, Conf.
5	Noon	Agatha, Vir. & M. Johannes, Conf. Indractus, Mar.
6	VIII	Vedastus & Amandus, Ep'i. Dep. Inn, R. & Conf.
7	VII	Angulus, Ep. & Mar.
8	VI	Elfeda, Vir. & Abb. Paulus, Episc.
9	V	Ocr. Pur. Telcan, Ep. & Conf. Appollonia Virg.
10	IV	Scholastica, Vir. Wilfridus, Archiep. & Conf. Tramwin, Ep. & Conf.
11	III	Cedmon, Conf. Euphrasia, Virg.
12	Prid.	Ethelwald, Ep. & Conf. [Hic incipiunt aves cantare.] Eulalia.
13	Idus	Eormenhilda, Virg. Wulfran, Episc.
14	XVI	Valentinus, Ep. & Mar. Conwan, Conf. Nectanus, Conf.
15	XV	Oswy, R. [Diabolus recessit a Domino.] Faustinus & Jovita. Sigfrid, Ep.
16	XIV	Juliana, Vir. & Mar. Wulricus, Conf. & Er.
17	XIII	Finan, Ep. & Conf. Polichronius, Ep. & Mart.
18	XII	Simeon, Ep. & Mart. Translatio S. Edwardi, Reg. & Mar.
19	XI	Acca, Ep. & Conf. Sabinus & Juliana.
20	X	Mildreda, Vir. & Abb.
21	IX	Cymbert, Ep. & Conf. Sexaginta novem martyres.
22	VIII	CATHEDRA S. PETRI IN ANTIOCHIA.
23	VII	Milburga, Vir. & Abb.
24	VI	MATHIAS, AP. Ethelbert, R. & Conf. Berectus, Conf.
25	V	Inventio S. Pauli. Furseus, Abb.
26	IV	Mildgitha, Vir. Alexander, Episc.
27	III	Elvius, Ep. & Conf. Augustinus, Episc.
28	Prid.	Oswald, Ep. & Conf. Aydo, Abb. & Conf.

MARTIUS.

1	Kal.	David, Ep. Albinus, Ep. & Conf.
2	VI	Cedda, Ep.
3	V	Maurinus & Austerius. Winwaloc, Abb.
4	IV	Owin, Conf. Adrianus, Mart.
5	III	Piranus, Ex. Phoca, Eusebius & Perpetius, M. M.
6	Prid.	Cyneburga & Cyneswitha, V. V. & M. M. Tibba, V. Victor & Victorinus. Fridolin.
7	Nonæ	Perpetua & Felicitas, V. V. & M. M. Easterwyn, Abb. & Conf. Deyfer, Conf. Thomas de Aquino.
8	VIII	Felix, Ep. & Conf.
9	VII	Bosa, Ep. & Conf. Quadraginta milites M. M.
10	VI	Himelin, Erem. Kessoge, Ep.
11	V	Transl. S. Oswini, R. & Mar. Quirinus & Candidus.
12	IV	Gregorius, Papa. Brian, R. & Mar.
13	III	Viganus, Conf. Canoch, Conf. & Ex. Theodora.
14	Prid.	Alchfrid, R. & Mon.
15	Idus	Aristobulus, Ep. & Mar. Fethno, Conf. Longinus.
16	XVII	Adaman, Conf. Columba, Vir. & Mar. Hilarius & Tacoanus.
17	XVI	Patricius, Ep. [Introitus Noe in arcum.] Gertruda, Virg.
18	XV	Edwardus, R. & Mar. Christianus, Ep. & Conf.
19	XIV	Alcmund, Mar. Joseph Sponsus Mariae.
20	XIII	Dep. Sancti Cuthberti, Ep. & Conf. Hereberct, Ex.
21	XII	Benedictus, Abb.
22	XI	Heahmund, Ep. Aphrodisius, Ep. & Mart.
23	X	Aethilwald, Conf. & Ex. Finguar, Mar. [Adam creatus ex.] Theodorus, Presb.
24	IX	Lanfranc, Archiep. & Conf. Agapitus.
25	VIII	Anunciatio Dominitica. Willielmus, Puer & Mar.
26	VII	Alfwold, Ep. & Conf. Castor, Mart.
27	VI	Resurrectio Dominitica. Archibald, Abb. & Conf. Trans- latio S. Bathildis.
28	V	Fremund, Mar. Dorothea, Virg.
29	IV	Gundleus, R. & Ex. Baldred, Presb. & Conf. Victorinus, Mart.
30	III	Quirinus, Mart. Patronius, Ep.
31	Prid.	Transl. S. Adelmi, Ep. & Conf.

APRILIS.

1	Kal.	Lanto, Prior de S. Pancratio. Theodora, Virg. Gilbert, Ep.
2	IV.	Ebba, Abb. & Mar. Maria Egyptiaca.
3	III	Ricardus, Ep. & Conf.
4	Prid.	Ambrosius, Ep. & Conf. Guier, Presb. & Er.
5	Nonas	Tigernoth, Ep. & Conf. Martianus.
6	VIII	Alstan, Ep. & Conf. Celsus, Ep. & Conf. Sixtus, Papa & Mart.
7	VII	Bernacus, Abb. & Conf. Sigebus, Abb. & Conf. Euphe- mia, Virg.
8	VI	Duvianus, Conf. Egesippus & Soc.
9	V	Gisla & Rictruda, Vir. Frithstanus, Ep. & Conf. Per- petuus, Episc.
10	IV	Passio Septem Virginum. Paternus Mon.
11	III	Guthlac, Conf. & Er.
12	Prid.	Mechtildia, Vir.
13	Idus	Elfleda, Vir. Eusemia, Virg.
14	XVIII	Tiburtius, Valerianus & Maximus, M. M. Dep. Ethel- wulf, R.
15	XVII	Paternus, Ep. & Conf. Oswaldus, Archiep.
16	XVI	Isidorus, Conf. Transl. S. Albani, M. Magnus, M.
17	XV	Arnoldus, Episc. Anicetus, Episc. Stephanus, Abb.
18	XIV	Oswin, Conf. Maydalphus, Er. Eleutherius & Antiochus.
19	XIII	Alpheg. Archiep. & Mar. Leo, papa. Eadwardus Clitus Anglorum.
20	XII	Victor, Ep. Ceadwald Rex. Servanus, Ep.
21	XI	Anselmus, Cant. Archiep. & Conf. Simeon, Ep. & Mart.
22	X	Birstan, Ep. & Conf. Sotheris, Virg.
23	IX	Georgius, Mar. Etheldred, R. & Mar.
24	VIII	Mellitus, Ep. & Conf. Egbert, Abb. & Conf. Trans. S. Wilfridi, Archiep. & Conf.
25	VII	MARCUS, EV. Litanus Major.
26	VI	Leofric, Ep. & Conf. Cletus, Ep. & Conf.
27	V	Anastasius, Papa. Walburga, Vir.
28	IV	Vitalis, Mar.
29	III	Senanus, Conf. & Er. Petrus Mediolanensis. Paulus, Ep. et Con. [Egressus Noe de arca.]
30	Prid.	Dep. Erconwaldi, Ep. & Conf. Dep. Mathildæ, R.

MAIUS.

1	Kal.	PHILIPPUS ET JACOBUS, A.A. Assaph, Ep. & Conf.
2	VI	Athanasius, Ep.
3	V	Inventio S. Crucis. Walther, Abb. & Conf. Alexander, Papa. Eventius, Theod.
4	IV	Ethelred, R. & Conf. Quiriacus. Fest. coronas spinarum.
5	III	Elfgiva, Reg. Scandulus, Mon. Gothardus.
6	Prid.	JOHANNES ANTE PORTAM LATINAM. Johannes, Ep. Elien. Edbert, Ep. & Conf.
7	Nouæ	Johannes de Beverlaco.
8	VIII	Apparitio S. Michaelis. Wiro. Con.
9	VII	Translatio S. Nicholai, Ep. Transl. S. Andreae. Beatus, Con.
10	VI	Gordianus & Epimachus, Mar. Trans. Bede Ven., Presb. & Conf.
11	V	Fremund, Mar. & Er. Gengulphus. Johannes de Brid- lington. Antonius, Mart.
12	IV	Nereus Achileus atq. Pancratius, M. M. Remigius, Ep. & Conf.
13	III	Merwina, Vir. & Abb. Abbenus, Er. Gervasius, Conf.
14	Prid.	Editha, Vir. & Abb. Midan & Modan, Mon.
15	Idus	Bercthun, Abb. & Conf. [Lex Moysi data est.] Isidorus, Mart. S. Dympna, Vir. et Mar.
16	XVII	Dep. S. Albani, Mar. Brandan, Abb.
17	XVI	Carantocus, Conf. Transl. S. Bernardi.
18	XV	Sewallus, Ep. & Conf. Dioscorus, Mart.
19	XIV	Dep. S. Dunstani, Archiep. et Conf. Potentiana.
20	XIII	Ethelbert, R. & Mar. Bernardus Monachus.
21	XII	Godric, Er. Petrocus, Conf. Helena, Reg.
22	XI	Dep. Henrici VI., R. & Mar. Julianus, Virg.
23	X	Willielmus, Mar. Desiderius, Mart.
24	IX	Festum Sancti Salvatoris. Fugatius & Damianus, E. E. & C. C. Transl. S. Francisci. Robertus, Ep. & Conf.
25	VIII	Dep. S. Adhelmi, Ep. Urban, P. & Mar.
26	VII	AUGUSTINUS, ANGLORUM AP. Milburga, Vir. & Abb.
27	VI	Beda, Ven., Presb. & Conf.
28	V	Germanus, Ep. & Conf. Theucus, Conf.
29	IV	Dubritius, Archiep. & Conf.
30	III	Heigna, Vir. Felix, Papa & Mart.
31	Prid.	Petronilla, sive Pernella, Vir. Wulfilda, Vir. & Abb.

JUNIUS.

1	Kal.	Nicomedes, Mar. Wistan, R. & Mar.
2	IV	Marcellinus & Petrus, Mar. Malcolm III. R. & Conf.
3	III	Pega, Vir. [Translatio Episcoporum Dunelm.] Erasmus, Conf.
4	Prid.	Petrocus, Abb. & Conf.
5	Nonæ	Bonifacius, Ep. & Mar. & Soc.
6	VIII	Gudwalus, Ep. & Conf. Mello, Archiep.
7	VII	Robertus, Abb. Wulfstan, Ep. & Conf. Transl. S. Vulstani.
8	VI	Medardus & Gildardus, Conf. Willielmus, Archiep. Ebor.
9	V	Trans. Edmundi, R. & M. Columba, Abb. & Conf. Primus & Felicianus, M. M.
10	IV	Margaretha, Reg. Ithamar, Ep. & Conf. Ive.
11	III	BARNABAS, AP. Egbert, R. & Mon.
12	Prid.	Basilides, Cyrius, Nabor, & Nazarius, M. M.
13	Idus	Elerius, Abb. & Conf. Antonius, de Ord. Min.
14	XVIII	Basilius, Ep. Transl. S. Brandani, Abb. & Conf. Dogmael, Er.
15	XVII	Vitus, Modestus, atq. Crescentius, M. M. Eadburga, Vir.
16	XVI	Transl. Sancti Ricardi. Leofgar, Ep. & Mar. Cricus & Julitta, M. M.
17	XV	Botulphus, Abb. & Conf. Quintinus, Martyr.
18	XIV	Marcellus & Marcellianus, M. M. Colmannus, Abb. & Conf. Jutaneus, Mon.
19	XIII	Gervasius & Prothasius. Buriena, Vir.
20	XII	Translatio S. Edwardi, R. & Mar.
21	XI	Leufred, Ep. & Conf. Engelmond, M.
22	X	ALBANUS, PROTOMARTYR ANGLIÆ.
23	IX	Etheldreda, Vir.
24	VIII	NATIVITAS S. JOHANNIS BAPT. Bartholomæus, Conf. & Er.
25	VII	Amphibalus, Ep. & Mar. Transl. S. Eligii, Episc. Adalbert.
26	VI	Johannes & Paulus, Mar.
27	V	Crescens, Mart. Leofwinus, Ep. & Con. Joannes, Pres. & Con.
28	IV	Leo, Papa & Conf. Agatha.
29	III	PETRUS & PAULUS, A. A. Hugo, Puer & Mar.
30	Prid.	COMMEMORATIO SCI. PAULI. Deus-dedit, Ep. & Conf. Cybiacus, Presb.

JULIUS.

1	Kal.	Oct. S. Johannis Bapt. Julius & Aaron, Mar.
2	VI	Visitatio B. V. gr. Depositio S. Swithini, Ep. Processus et Martinianus, M. M. Oudoceus, Ep. & Conf.
3	V	Anselm, Archiep. & Conf. Transl. S. Thomæ Apost.
4	IV	Translatio & Ordinatio S. Martini. Odo, Ep. & Conf.
5	III	Modwena, Vir. & Abb.
6	Prid.	Oct. Ap. Petri & Pauli. Sexburga, Reg. & Abb.
7	Nonas	Transl. S. Thomæ, Mar. Hedda, Ep. & Conf. Marina & Ethelburga, V. V. Willibald.
8	VIII	Dep. Edgari, R. Dep. Grimbald, Abb. & Conf. Withburga, Vir.
9	VII	Ethelburga, Reg. & Abb. Everilda, Vir. Cyrilus, Episc.
10	VI	Septem Fratres Martyres.
11	V	Transl. S. Benedicti Ab.
12	IV	Luanus, Abb. & Conf. Nabor & Felix. Kilian, Abb.
13	III	Dep. S. Mildredæ, Vir. Margarita, Virg.
14	Prid.	Marcellinus, sive Marchelin. Pres. & Conf.
15	Idus	Trans. S. Swythini. Eadgitha, Reg. [Divisio Apostolorum.]
16	XVII	Trans. S. Osmundi.
17	XVI	Kenelm, R. & Mar.
18	XV	Arnulphus, Ep. & Mar. Eadburga, Vir.
19	XIV	Diman, Conf. Arsenius Abbas. Rufinus & Justinus.
20	XIII	Margaretha, Vir. & Mar. Ethelswytha, Reg.
21	XII	Praxedis, Vir.
22	XI	Maria Magdalena. Wandregisilus, Abb.
23	X	Apolinaris, Ep. & Mar. Vodinus, Archiep. & Mar.
24	IX	Christina, Vir. & Mar. Rufinus & Ulfadius, M. M.
25	VIII	JACOBUS, AP. Christophorus et Cacuphatus, M. M.
26	VII	ANNA, MATER MARIÆ.
27	VI	Septem Dormientes. Josephus ab Arimathia. Martha, Vir.
28	V	Samson, Ep. Pantaleo.
29	IV	Felix & Faustus, M. M. Ethelwin, Ep. & Conf. Simplicius, Beatrix.
30	III	Abdon & Sennes, M. M. Tatwyn, Archiep. & Conf.
31	Prid.	Germanus, Ep. & Conf. Neot, Presb. & Conf.

AUGUSTUS.

1	Kal.	FESTUM S. PETRI AD VINCULA. Ethelwold, Ep. & Conf. Machabæi.
2	IV	Stephanus, Papa et Mar. Alric, Conf. & Er. Kined, Conf. & Er.
3	II	INVENTIO S. STEPHANI PROTOM. Waltheof, Abb. & Conf. Domitius, Conf.
4	Prid.	Justinus, Presb. Ivo, Ep. & Conf.
5	Noon	Oswald, R. & Mar. Festum nivis Mariae Vir. Thomas, Mon. & Mar.
6	VIII	Transfiguratio Domini. Henricus Blesensis, Ep. & Conf. Sixtus, P. & Mar. Feliciasimus, Donatus & Agapitus.
7	VII	Festum nominis Iesu. Donatus, Ep. & Mar.
8	VI	Cyriacus, Mar. Faganus, Conf. Oct. S. Petri. Briocus, Ep.
9	V	Romanus, Mar. Hugo. Ep. & Conf.
10	IV	Laurentius, Mar. Malcus, Ep. & Conf. Henricus, Rex.
11	III	Tyburtius, Mar. Gilbertus, Ep. & Conf.
12	Prid.	Stephanus, Ep. Lond. & Conf. Coganus, Abb. & Conf. Clara, Virg. Alcuinus, Conf.
13	Idus	Hypolitus, Mar. cum Sociis. Wigbertus, Pres. & Con.
14	XIX	Eusebius, Presb. Werenfridus, Con.
15	XVIII	Assumptio B. Mariæ. Margaretha, Priorema.
16	XVII	Arnulphus, Episc. Rochus. Alexander, Con.
17	XVI	OCT. S. LAUR. Thomas, Conf.
18	XV	Agapitus, Mar. Helena, Reg.
19	XIV	Magnus, Mar. Clintancus, R. & Mar.
20	XIII	Oswin, R. & Mar. Ludovicus, Episc. Philibertus, Abbas.
21	XII	Fratres Regis Arwaldi, M. M. Privatus, Ep. Bernardus.
22	XI	OCT. ASSUMP. Arnulphus, Conf. & Er. Timotheus, Ep. & Conf. Simphorianus & Proterius, Mar.
23	X	Timotheus & Appollinaris, Mar. Justinianus, Mon. & Mar.
24	IX	BARTHOLOMÆUS, AP. Alicia. Audoenus, Ep. & Conf.
25	VIII	Dep. S. Ebbæ, Vir. & Abb. Hilda, Vir. Beda, Vir. Genesius, Mar. Ludovicus, Rex.
26	VII	Bregwin, Ep. & Conf. Pandwina, Vir. Severinus, Conf.
27	VI	Ruphus, Mar. Decumanus, Er. & Mar.
28	V	Augustinus, Ep. & Doct. Regulus, Abb. & Conf. Hermes.
29	IV	DECOLLATIO S. JOHANNIS BAPT. Sebbi, R. & Conf. Sabina.
30	III	Felix et Adauctus, Mar. Transl. S. Guthlaci.
31	Prid.	Cuthberga. Vir. Aidan, Ep. & Conf. Paulinus, Episc. & Conf.

SEPTEMBER.

1	Kal.	Egidius, Ab. Elphegius Calvus, Ep. & Conf. Priscus.
2	IV	Adaman, Abb. & Conf. Antoninus Mart.
3	III	Ordinatio B. Gregorii.
4	Prid.	Trans. S. Cuthberti.
5	Nonæ	Bertinus, Abb. Altho, Abb.
6	VIII	Transl. S. Augustini, Archiep. & Ap. Eugenius, Pontif.
7	VII	Transl. S. Dunstani, Ep. & Conf. Evurcius, Ep. & Conf. Leofgar, Ep. & Conf.
8	VI	Patribitas B. V. Mariae. Ethelburga, R. Adrianus, Mar.
9	V	Gorgonius, Mar. Queran, Abb. & Conf. Andomarus, Ep.
10	IV	Transl. S. Athelwoldi, Ep. Silvius, Episc. Otgerus, Diac. & Con. Finianus, Ep.
11	III	Prothus & Hyacinthus, M. M. Bather, Abb. & Conf. Oct. S. Cuthberti.
12	Prid.	Eanswitha, Vir. & Abb. Maximinus, Ep. Martinianus, Ep.
13	Idus	Maurilius, Ep.
14	XVIII	Exaltatio Scæ. Crucis. Cornelius & Cyprianus, M. M.
15	XVII	Oct. Nativitatis B. V. M. Nichomedes.
16	XVI	Editha, Vir. Ninianus, Ep. & Conf. Euphemia. Lucianus & Geminianus, M. M. Egidius, Abbas.
17	XV	Lambertus, Ep. & Mar. Stephanus & Socrates, Mar.
18	XIV	Victor & Corona. Trans. S. Winoci, Abb.
19	XIII	Theodorus, Archiep. & Conf. Januarius, Mar.
20	XII	Eustachius, Vigilia. Hereswithæ, Reg.
21	XI	MATTHÆUS AP. ET EV. Edilhun, Conf. Laudus.
22	X	Mauricius, Mar. & Soc. Cwenburga, Vir. Hygbaldus, Abb. & Conf.
23	IX	Tecla, Vir. Alfwold, R. & Mar. Lefrona, Abb. & Mar.
24	VIII	Concept. Johan. Baptist. Andochius, Mar. Trans. S. Wunebaldi, Abb.
25	VII	Firminus, Ep. & Mar. Ceolfrid, Abb.
26	VI	Cyprianus & Justina, Vir. & Mar. Elvanus, Ep. & Conf.
27	V	Cosmas & Damianus, Mar. Sigeberht, R. & Mar.
28	IV	Exuperius, Ep. Leoba, Abb.
29	III	MICHAEL, ARCH. Rogerus, Ep. & Conf.
30	Prid.	Hieronymus, Preab. Honorius, Archiep. & Conf.

OCTOBER.

1	Kal.	Remigius, Germanus, Vedastus, & Bavo, E. E. Meliorus, Mar.
2	VI	Leodegarius, Ep. & Mar. S. Thomas Herfordensis, Ep. & Conf.
3	V	Candidus, Mart. Ewaldi, Fratres et Mar. Gerardus, Abb.
4	IV	Ædwin, R. & Mar. Franciscus, Conf.
5	III	Cornwallinus, Abb. & Conf. Appollinaris, Mart.
6	Prid.	Fides, Vir. & Mar. Cominus, Abb.
7	Non.	Marcus Pa. Marcellus & Apuleius. Ositha, Reg. & Mar. Transl. S. Hugonis, Ep. & Conf.
8	VIII	Keyna, Vir. Pelagia. Symeon Justus. Transl. S. Os- waldi.
9	VII	Dionyius, Rusticus, & Eleutherius, M. M. Dep. Roberti Grosse-teste, Ep. & Conf.
10	VI	Gereon, Mar. cum Sociis. Paulinus, Ep. & Conf. Joh. de Brydlington, Conf.
11	V	Nicasius, Ep. & Mar. Ethelburga, Abb. Canicina, Abb. & Conf.
12	IV	Dep. S. Wilfridi, Arch. & Conf. Alburga Virg. de Berkyngh.
13	III	Translatio S. Edwardi R. & Conf. Gilbertus de Sempring- ham, Conf. (Quindena Michael.)
14	Prid.	Calixtus, Papa & Mar.
15	Idus	Wulfran, Ep. Trans. S. Oswaldi, Ep. & Conf.
16	XVII	S. Michael in Montis Tumba.
17	XVI	Transl. S. Etheldredæ, Vir. Ethelberht & Ethelred, Mar.
18	XV	LUCAS, EV. Ethbyn, Abb. & Conf. Justus.
19	XIV	Frideswitha, Vir. & Reg. [Fecit Reliquiar' Ecc. Ebor'.]
20	XIII	Astrebertha, Virg. Cenred et Offa, R.R. Wendelinus, Abb.
21	XII	Undecim Millia Virgines. Hilarion, Abb. & Conf.
22	XI	Maria Salome. Cordula, Vir. & Mar.
23	X	Romanus, Archiep. & Conf. Severinus, Ep. Syra, Vir.
24	IX	Maglorius, Episc. & Conf.
25	VIII	Crispinus & Crispinianus. Transl. S Joh. de Beverlaco.
26	VII	Eata, Ep. & Conf. Evaristus, Papa.
27	VI	Eadsinus, Ep. & Conf. Florentius, Papa.
28	V	SIMON & JUDAS, A. A. Dep. Alfredi, R.
29	IV	Elfleda, Vir. & bb. Narcissus, Ep.
30	III	Egelneth, Archiep. & Conf. Germanus de Capua.
31	Prid.	Quintinus, Mar. Foillanus, Ep. & Mar.

NOVEMBER.

1	Kal.	Festum omnium Sanctorum.
2	IV	COMMEMORATIO ANIMARUM. Rumwold. Eustachius & Soc.
3	III	Wenefreda, Vir. & Mar. Benignus, Ep. & Conf.
4	Prid.	Dubritius, Archiep. & Conf. Amantius.
5	Non.	Letiz. Malachias, Ep. & Conf.
6	VIII	Leonardus, Abb.
7	VII	Willebrord, Archiep.
8	VI	Quatuor Coronati Martyres.
9	V	Theodorus, Mar. Kebius, Ep. & Conf. Congilla, Abb.
10	IV	Justus, Ep. & Conf.
11	III	Martinus Turonensis, Ep. & Conf. Menna, Mar.
12	Prid.	Martinus, P. & Conf. Paternus, Mart.
13	Idus	Bricius, Ep. & Conf.
14	XVIII	Transl. S. Erconwaldi, Ep. & Conf.
15	XVII	Machutus, Ep. & Conf.
16	XVI	Edmundus, Archiep.
17	XV	Hugo, Ep. & Conf. Anianus, Ep. & Conf. Hilda, Vir.
18	XIV	Oct. S. Martini.
19	XIII	Ermenburga, Abb. Elizabetha, Matrona.
20	XII	Edmund, R. Humbert, Ep. & Mar.
21	XI	Presentatio V. Mariæ. Columbanus, Abbes.
22	X	Cecilia, Vir. & Mar. Bega, Vir.
23	IX	Clemens, Papa & Mar. Motiferus, Conf. Felicitas, Mar.
24	VIII	Chrysogonus, Mar. Christina, Vir. & Abb.
25	VII	Catherina, Vir. & Mar. Alnoth, Ex. & Mar.
26	VI	Linus, Papa & Mar.
27	V	Agricola & Vitalis. Oda, Vir. Daniel, Ep.
28	IV	Edwold, Con. & Er. Blainiacus, Mar. Rufus, Mart. Eadsinus, Ep. & Con.
29	III	Saturninus & Sisionius. Baruc, Ex. Egilnoth, Ep. & Con.
30	Prid.	ANDREAS, AP. Theanus, Archiep. & Conf.

DECEMBER.

1	Kal.	Crisanthus & Daria. Agericus, Ep. Eligius, Ep. & Conf.
2	IV	Weeda, Vir. & Abb. Libanus, Conf.
3	III	Lucius, R. Birinus, Ep. & Conf.
4	Prid.	Osmund, Ep. & Conf. Barbara, Virg. Benedictus, Abbas.
5	Noon	Eanfleda, Reg. & Abb. Sabba, Abbas.
6	VIII	Nicolaus, Ep. & Conf. Congellus, Abb. & Conf.
7	VII	OCT. S. ANDREÆ, AP. Odwaldus, Abb. & Conf. Gallanus, Mon.
8	VI	Conceptio B. V. marie. Agatha, Reg.
9	V	Ethelgiva, Vir. & Abb. Cyprianus, Abbas.
10	IV	Daniel, Ep. & Conf. Eulalia, Virg. & Mart.
11	III	Damascus, Pa. Boisil, Abb.
12	Prid.	Elfreda, Vir. Paulus, Episc.
13	Idus	Lucia, Vir. & Mar. Eadburga, Vir. & Abb. Judocus, Conf.
14	XIX	Otilia, Virg. Edburga, Vir.
15	XVIII	Hilda, Vir. & Abb. Valerius, Episc.
16	XVII	Bean, Ep. & Conf. [O Sapientia.] Annania Azaria Misabel, M. M.
17	XVI	Tetta, Vir. & Abb. Lazarus, Ep.
18	XV	Gracianus, Episc. Winebald, Abb. & Con.
19	XIV	Venetia, Virg. Macarius, Abb.
20	XIII	Comogel, Abb. & Conf. Juliana, Mart.
21	XII	THOMAS, AP. Eustachius, Abb. & Conf. Purgata, Vir.
22	XI	Hildelitha, Vir. & Abb. Triginta Martyres.
23	X	Ithwara, Vir. & Mar. Victoria, Virg.
24	IX	Ruthius, Mon. & Conf.
25	VIII	Patibitas Domini.
26	VII	STEPHANUS, PROTOMARTYR. Thatheus, Conf. & Er.
27	VI	JOHANNES, AP. & EVAN.
28	V	INNOCENTES, M. M. Transl. S. Elphegi, Ep. & Mar.
29	IV	THOMAS, Archiep. & Mar.
30	III	Egwinus, Ep. & Conf. Transl. S. Jacobi.
31	Prid.	Silvester, Papa & Conf. Eternanus, Conf.

Lately Published.

**NOTES RESPECTING REGISTRATION and the EX-
TRINSIC FORMALITIES of CONVEYANCES.**

By C. P. COOPER, Esq.

PART I.

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A BRIEF ACCOUNT of some of the most important PROCEEDINGS in PARLIAMENT, relative to the Defects in the Administration of Justice in the COURT of CHANCERY, the HOUSE of LORDS, and the COURT of COMMISSIONERS of BANKRUPT: together with the opinions of different Statesmen and Lawyers as to the Remedies to be applied.

By C. P. COOPER, Esq.

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Par M. C. P. COOPER, Avocat Anglois.

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Paris, à la Librairie Treuttel et Würtz, Rue de Bourbon, No. 17; Strasbourg, Grand'rue, No. 15; Londres, 30, Soho Square; Bruxelles, Librairie Parisienne, Rue de la Madeline, No. 438. 1830. 8vo.

MÈME OUVRAGE, mis en rapport avec la LÉGISLATION des PAYS BAS.

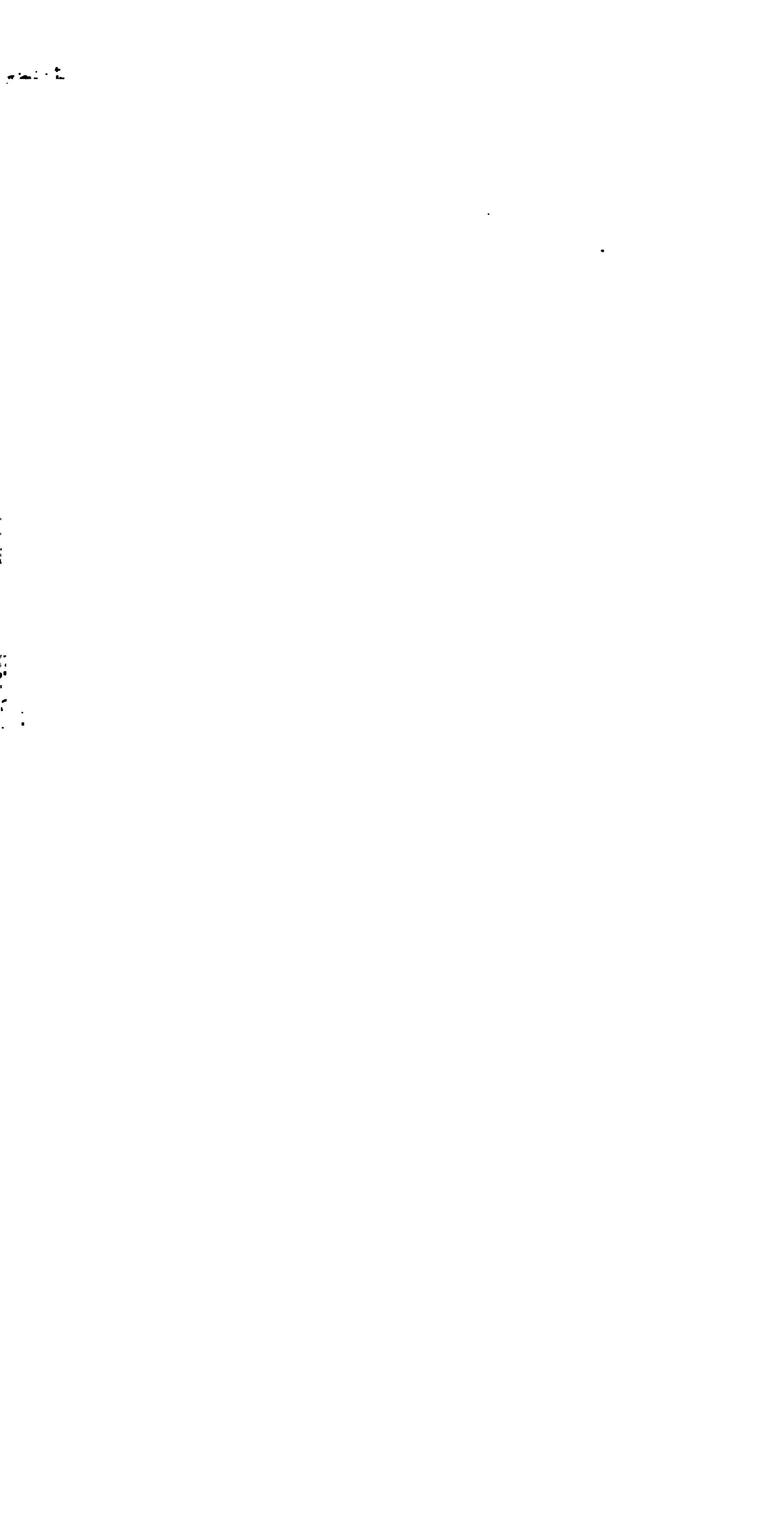
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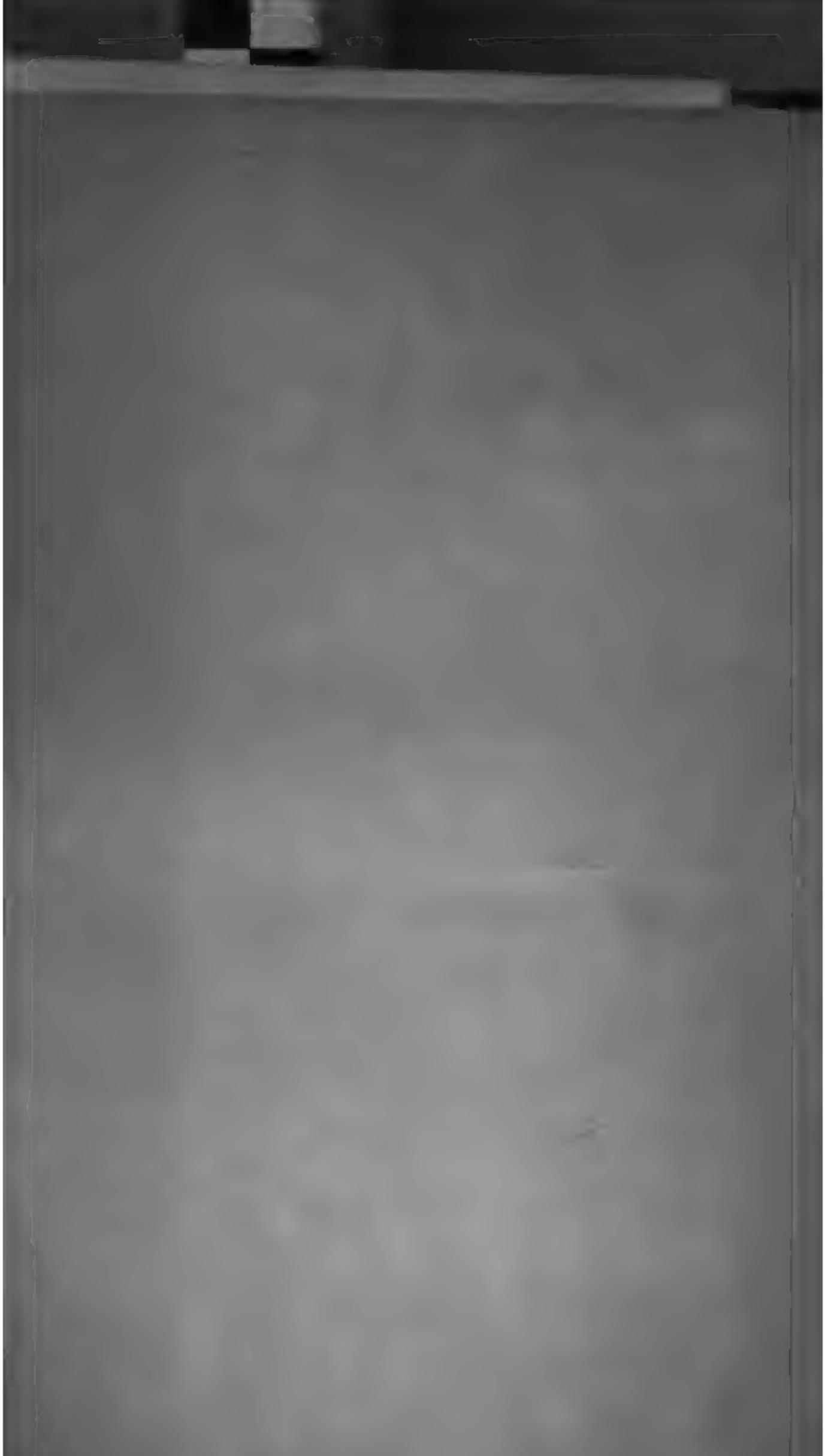












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